the weekly Standard

OCTOBER 18, 2010 • $4.95

IS THERE A GOP ECONOMIC AGENDA?
SEAN FIELER & JEFFREY BELL
MATTHEW CONTINETTI

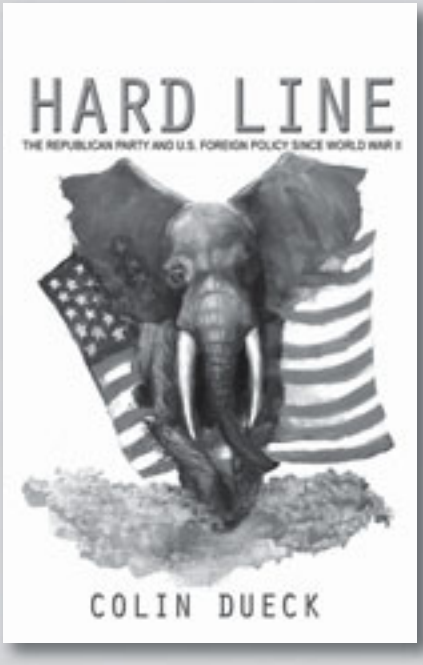
Don't Call Her Ma'am . . . Call Her Ex-Senator

FRED BARNES reports from California on Carly Fiorina's race to unseat Barbara Boxer

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WEEKLYSTANDARD.COM

Current Inquiries. Enduring Insights.



Hard Line

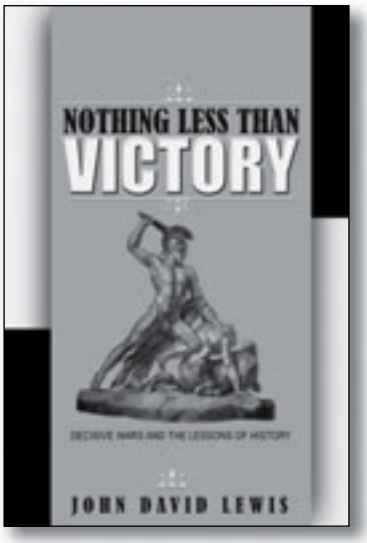
The Republican Party and U.S. Foreign Policy since World War II

Colin Dueck

"This book provides an excellent overview of the changes in conservative thinking on foreign policy by looking at the leading figures in each successive era, from Robert Taft to George W. Bush. The prose flows beautifully, and Dueck is admirably objective in his assessments of these individuals. An extremely valuable study."
—James M. Goldgeier, George Washington University

"An engaging, important, and timely study, *Hard Line* offers the best coverage of this period of Republican foreign policy I have seen. Through meticulous research, Dueck demonstrates the coherence and diversity of a uniquely conservative view of international affairs just at the moment when the Republican Party is reexamining and debating its foreign policy agenda for the future."
—Henry R. Nau, George Washington University

Paper $26.95 978-0-691-14182-4
Cloth $70.00 978-0-691-14181-7



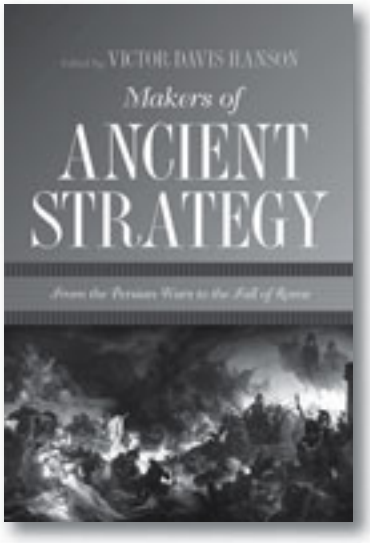
Nothing Less than Victory

Decisive Wars and the Lessons of History

John David Lewis

"John David Lewis offers a superb appraisal of how ancient and modern wars start and finish. This chronicle of some 2,500 years of Western history is replete with a philosophical analysis of why nations fight, win—and lose. His insights and conclusions are original and fearless—as well as timely and welcome in the confused war-making of the present age."
—Victor Davis Hanson, author of *Carnage and Culture*

Cloth $29.95 978-0-691-13518-2



Makers of Ancient Strategy

From the Persian Wars to the Fall of Rome

Edited by Victor Davis Hanson

"In this outstanding collection, ancient historian and thoroughly modern pundit Victor Davis Hanson has assembled a gleaming cohort of historians who deepen our understanding of the constants of warfare and illuminate brightly the peculiarities of strategy in the worlds of ancient Greece and Rome."
—Paul Cartledge, author of *Alexander the Great*

Cloth $27.95 978-0-691-13790-2

PRINCETON UNIVERSITY PRESS

800.777.4726
press.princeton.edu

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ADVERTISEMENT

Concerned persons suggest that unless there is an "***awakening***," government in America's small-government republic will continue being transformed into the large-government, progressive ideology. But what ***awakening*** is powerful enough to halt the progressive juggernaut of large-government control of what people can and cannot do?

Richard W. Wetherill
1906-1989

The writer would like you to consider that the above ***awakening*** to the existence of a natural law of right behavior ***has that power***. The law is known as nature's ***law of absolute right***.

For nearly two decades, this behavioral law has often been carefully explained in one-page advertisements in several national magazines and newspapers, and on radio broadcasts. There is also a Website where people worldwide can learn how to get out of trouble, stay out of trouble, and start a new life.

This natural law exerts the power of life and death for every person alive today as is evidenced by the untold trillions of those people who had previously populated this planet.

"How?" you ask. ***Creation's law of absolute right states: Right action gets right results; wrong action gets wrong results. The law defines right action as thoughts and behavior that are rational and honest and fill the need of each situation.***

Therefore, people's motivation consisting of man-made laws, judgments, beliefs, likes and dislikes, wants and don't wants does not conform to ***creation's law of absolute right***, and when wrong results occur, people do not look to themselves.

Laws of nature never play favorites. People obey natural laws or they suffer the consequences. ***That*** is the awakening information for this generation. And if some people choose to ignore ***nature's behavioral law***, eventually their wrong action will cause an eternal sleep from which there has been no awakening.

WHOEVER OR WHATEVER IS THE CREATOR revealed this behavioral law to the mind of Richard W. Wetherill in 1929 in answer to his fervent appeal for an understanding of humanity's plight. And although Wetherill took no credit for identifying this law, his efforts to inform people of the flaw in their approach to life met with an almost impenetrable wall of resistance and opposition until he published his book, *Tower of Babel*, on January 2, 1952. Then small study groups were formed near several large cities in America. Later all the members who were able to relocate came together under Wetherill's direction in southeastern Pennsylvania.

So much for a brief history of the group that now brings you the good news of the ***law of absolute right***, and the ***awakening*** that it brings to a world population in deep trouble and chaos.

A few centuries ago the Founding Fathers of America did their best to establish a country ruled in a God-fearing way by representatives of the people. Newcomers from other countries who were willing to be governed by its Constitution and Bill of Rights were welcomed. Over the years, people came in droves. Now the divergence of thinking about whether the country should be transformed is causing much turmoil and confusion for the populace.

There is only one solution: everybody must obey creation's law of absolute right or suffer the consequences of disobedience to whoever or whatever is the creator of natural laws and all that exists of planet Earth.

Visit our colorful Website www.alphapub.com where several essays and seven books describe the changes called for by whoever or whatever created nature's law of absolute right. The material can be read, downloaded, and/or printed FREE.
This public-service message is from a self-financed, nonprofit group of former students of the late Mr. Wetherill. Please help by directing others to our Website so that they can learn that obeying this natural law provides a ***life that is both fair and well worth living****.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"GOVERNMENT IS NOT THE SOLUTION TO OUR PROBLEM.
GOVERNMENT IS THE PROBLEM!"
– Ronald Reagan

"A MUST-SEE FOR AMERICANS!"
–Steve Moore, The Wall Street Journal

"GREAT FILM! ENTERTAINING! VERY CLEVER!"
–Ed Meese, former U.S. Attorney General

"HILARIOUS, HIGHLY INFORMATIVE AND INSPIRING!"
–Todd Snyder, Movieguide

"A SOBERING YET HUMOROUS LOOK at the damage we are doing to our country by shirking our moral responsibility on fiscal discipline."
–Tony Perkins, FRC Action President

"ENGAGING AND FUNNY, even as it conveys a serious message about economics and politics."
–Hans A. von Spakovsky, National Review

"MAKES THE ISSUES CRYSTAL CLEAR."
–Lila Rose, President, Live Action

"Conservatives and libertarians should find themselves nodding their heads in agreement."
–Ian McDonald, The Dayton Tribune Online

"Brilliant, entertaining and very funny. Responsible citizens of voting age should view *I Want Your Money* as required viewing."
–Pete Wilson, former U.S. Senator, former Governor of California

A RAY GRIGGS FILM
I WANT YOUR MONEY

MUSIC BY DON HARPER EDITED BY GIAN GANZIANO DIRECTOR OF PHOTOGRAPHY MATTHEW MAYOTTE EXECUTIVE PRODUCER MICHAEL KIM BINDER
PRODUCED BY DOUG STEBLETON & HEATHER GANZIANO WRITTEN BY RANDALL DESOTO DIRECTED BY RAY GRIGGS

I WANT YOUR MONEY © RG ENTERTAINMENT, LTD. ALL RIGHTS RESERVED.

PG PARENTAL GUIDANCE SUGGESTED
SOME MATERIAL MAY NOT BE SUITABLE FOR CHILDREN
THEMATIC ELEMENTS, BRIEF LANGUAGE AND SMOKING

WWW.IWANTYOURMONEY.NET

DOLBY DIGITAL

FREESTYLE RELEASING

STARTS FRIDAY, OCTOBER 15 IN THEATRES EVERYWHERE!

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Contents

October 18, 2010 • Volume 16, Number 5

2 The Scrapbook *Misanthropic warming, Gergen interviews Spitzer & more*

5 Casual *Joseph Epstein has finished writing a book. Now comes the anxiety.*

7 Editorials

Avoiding the Austerity Trap BY MATTHEW CONTINETTI

America at War, 2010 BY THOMAS DONNELLY

The Real Israel Lobby BY WILLIAM KRISTOL

Articles

10 How Big a Wave? BY JONATHAN V. LAST
Big enough to threaten Senator Kirsten Gillibrand of New York

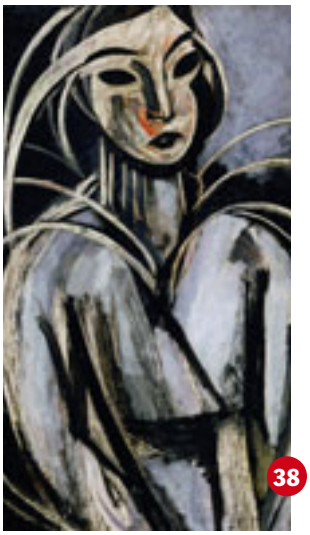
12 The Air Force We Won't Have . . . Alas BY REUBEN F. JOHNSON
Is the era of power projection over?

14 It's the Money, Stupid BY SEAN FIELER & JEFFREY BELL
Papering over our economic problems

Features

18 The Most Important Race of 2010 BY FRED BARNES
If Fiorina beats Boxer, liberalism will suffer a grievous defeat

22 The Supreme Court & Religious Liberty BY ALLEN D. HERTZKE
How a 1990 decision has come back to haunt us



Books & Arts

30 Onward and Upward BY EDWARD SHORT
'The Whig Interpretation of History'

33 Mondo Balto BY SUSIE POWELL CURRIE
Who and what's to blame for John Waters

34 In Enemy Hands BY ROSANNE KLASS
One man lives to tell a tale of the Taliban

36 Time Marches On BY EDWIN M. YODER JR.
The golden age of Thomas Wolfe and the Gant clan

38 MoMA's Matisse BY JAMES GARDNER
Yet another journey into the garden

40 Parody *Donald Trump in 2012*

COVER: NEWSCOM

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Misanthropic Warming

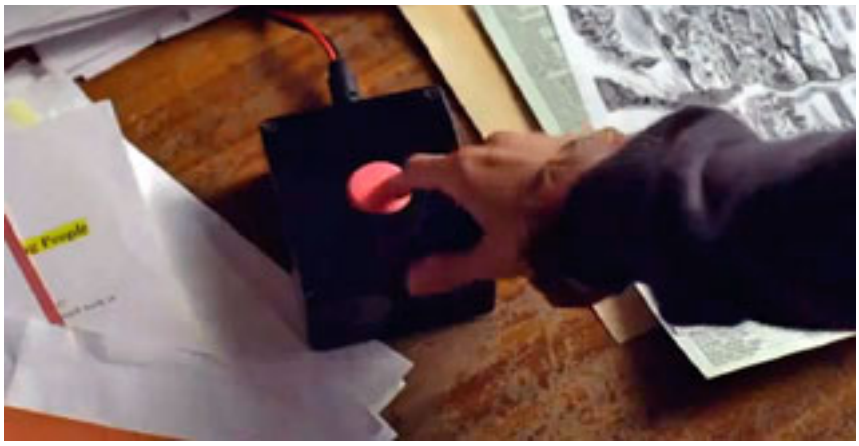
Global warming activists are famously impatient with critics who question either the solidity of the scientific case for climate alarmism or the policy prescriptions of the alarmists. "The time for debate is over" is their rallying cry. Not that they were ever big on debate to begin with. Anyone who read Al Gore's 1992 schlockbuster *Earth in the Balance* will remember that it was long on apocalypticism and short on the arts of persuasion.

So what comes after the time for debate? Apparently, the time for agitprop. Last week, the 10:10 campaign, a British-based group that aims for "voluntary" 10 percent reductions in carbon emissions every year beginning this year, released a much-anticipated four-minute film. The group was launched a year ago by director Franny Armstrong, whose magnum opus was a 2009 climate-change documentary bearing the prescient title, *The Age of Stupid*.

The new short film, *No Pressure*, was a labor of love by a host of British celebrities and P.R. professionals. It was written by Richard Curtis (*Bridget Jones's Diary*, *Notting Hill*, *Four Weddings and a Funeral*, etc.), directed by "top advertising director Dougal Wilson," with name actors donating their time, and Radiohead music for the soundtrack.

The good liberals at the *Guardian* ran a puff piece for "our friends at the 10:10 climate change campaign" heralding the release of the project, although even they wondered whether "detonating school kids, footballers and movie stars into gory pulp for ignoring their carbon footprints," while certainly "attention-grabbing," might risk "upsetting or alienating people."

They were right to wonder. As their summary suggests, the film is a scandalously tasteless gorefest. In a saner world it would end the careers of all the professionals responsible for it. *No Pressure* opens in a middle-school classroom with a cheerful teacher asking her charges what they will be doing as part of the 10:10 campaign to cut their carbon emissions. She suggests "taking your next holiday by train instead of flying, or buying energy-saving lightbulbs" and asks for a show of hands. "No pressure at all, but it would be great to get a sense of how many of you might do this." All but two raise their hands.



'No Pressure'

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"And those not? Philip and Tracy, fine, that's absolutely fine, your own choice. . . . Oh, just before you go, I just need to press this little button here." The two laggards are thereupon blown to pieces, the classroom explodes in screams, Philip and Tracy's blood and body parts rain down on the room. The teacher, cheerfully, sends the others on their way: "Now everybody please remember to read chapters five and six on volcanoes and glaciation—except for Philip and Tracy of course."

Ha ha. "The joke"—for that is what its backers claim the film is, edgy humor—is then repeated at a business, a football field, and a recording studio. Total body count: seven dissidents.

The 10:10 campaign realized within hours that it had disastrously miscalculated and pulled the film. Franny Armstrong and her team put out one of those disingenuous non-apology apologies public figures specialize in nowadays: "Many people found the resulting film extremely funny, but unfortunately some didn't and 10:10 would like to apologise to"—here comes the weasel phrase—"everybody who was offended by the film."

As far as The Scrapbook can determine, no one except its makers, and perhaps a few friends and family and people on their payroll, found the film even slightly funny. What does shine through is the sinister fantasy life of people who are impatient with debate. Apparently nothing makes them chuckle like the thought of dispatching their opponents with extreme prejudice, children very much included.

The ACT Responsible poster

That same misanthropic urge was also on display in a poster for an exhibit last year at Cannes. As Andrew Bolt of the *Melbourne Herald-Sun* pointed out last week, ACT Responsible, "a group of left-wing advertising executives," succumbed to the same sick fantasy of "threatening children with death"—depicting a small girl with a noose around her neck on top of a melting iceberg.

Meanwhile, the *New York Times* reported on October 4 that the National Science Foundation, an agency of the federal government, "has awarded a $700,000 grant to the Civilians, a New York theater company, to finance the production of a show about climate change" called *The Great Immensity*. The *Times* characterized this as "a rare gift to an arts organization" by the NSF, which normally funds research. That's one way of putting it. And it's a grant that will be worth remembering the next time you hear whining about a shortage of federal funds for scientific inquiry.

So much for the "time for debate." When, The Scrapbook wonders, will the time for propaganda be over? ♦

Hail the Redeemer

Well that didn't take long: In March 2008, then-governor of New York Eliot Spitzer was finished. Ruined by a prostitution scandal, he stepped down in disgrace. Flash-forward to the present: Private citizen Eliot Spitzer is now a CNN commentator with his own show, *Parker Spitzer*,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cohosted by sometimes conservative columnist Kathleen Parker.

The former governor, having laid low for two years, is clearly on the road to redemption. But in order to attain full absolution, Spitzer needed to make one more stop—a gut-wrenching, soul-searching, no-holds-barred interview, the likes of which we haven't seen since David Frost interviewed Richard Nixon. Except this time the grill session was with David Gergen.

"You Learn More by Losing Than by Winning" is the enlightening title of Gergen's hard-hitting column recently published in *Parade* magazine. In it, Spitzer opens up like he's never opened up before. When Gergen asks how he'd like to be remembered, the man once known as Client No. 9 replies, "For trying with enormous passion to influence the course of the state and the nation toward a society that is progressive, based on opportunity, equality, fairness, and decency." Yes, decency.

"Are you at peace now?" asks Gergen. (Excellent question.) "One never leaves behind the pain that one has caused to loved ones. Somewhere further down is the cost to career." (What cost him his career was definitely something further down.) Has being in exile done him any good? (Warning: The following response may induce nausea.) "You learn more by losing than by winning. . . . It's a cliché, but the moments that really matter are the ones with the kids."

Then Gergen starts to drill the governor with questions like, "Have the last few years made you humbler, more forgiving?" Take a wild guess. "What do you say to Americans who have been watching failures in the corporate world and in politics?" our intrepid interviewer wonders.

"Our plutocracy has failed . . . " We'll spare you the rest of that answer. "How do we find our way back?" Gergen also wonders, as well as, "There must be things you wanted to do as governor." Spitzer demurs, but goes on to tell us what he would have done as attorney general. (The answer is, lots.)

Finally, Gergen observes, "Martin Luther King Jr. biographer Taylor Branch once told me . . . " Unfortunately, at that point The Scrapbook started having the dry heaves and had to discontinue reading. ♦

Noise Pollution

The small community of Vinalhaven Island, Maine, is in an uproar about noise pollution—from the three giant wind turbines that were installed last year on the island as part of a $15 million wind energy facility. The *New York Times* reports that "the whoosh-and-whoop of the 123-foot blades" is making life unbearably noisy for those who live on the otherwise tranquil island. Though studies have shown that many of the rumored side effects of wind turbines are exaggerated or untrue—from physiological impacts like rapid heart beat and vision problems to lower property values near wind energy facilities—the folks in Vinalhaven and in other previously peaceful communities around the country have found that the noise pollution is worse than the old-fashioned pollution they were trying to fix. The Scrapbook understands that local birds are also not fans of the giant blades.

In related environmental news, The Scrapbook was relieved to hear that Frito-Lay has announced the return of their quieter, non-Earth-friendly SunChips bags after receiving complaints that their 100 percent compostable bag made from plant materials was just too noisy. *USA Today* reports that the company is continuing its "journey with compostable packaging," according to Frito-Lay spokeswoman Aurora Gonzalez. But for now, the environmentally conscious crowd will have to learn to keep it down, while the rest of us quietly munch our not-so-green Harvest Cheddar chips in peace. ♦

Only Six?

'Six People Report Feeling Ill at Obama Rally" (*WashingtonPost.com* headline, October 7). ♦

the weekly Standard

www.weeklystandard.com

William Kristol, *Editor*
Fred Barnes, *Executive Editor*
Richard Starr, *Deputy Editor*
Claudia Anderson, *Managing Editor*
Christopher Caldwell, Andrew Ferguson, Victorino Matus, Lee Smith, *Senior Editors*
Philip Terzian, *Literary Editor*
Stephen F. Hayes, Matt Labash, Jonathan V. Last, *Senior Writers*
Matthew Continetti, *Opinion Editor*
Jay Cost, *Staff Writer*
John McCormack, *Online Editor*
Daniel Halper, *Deputy Online Editor*
Kari Barbic, Katherine Eastland, *Assistant Editors*
Emily Schultheis, Michael Warren, *Editorial Assistants*
Philip Chalk, *Design Director*
Barbara Kyttle, *Design Assistant*
Carolyn Wimmer, *Executive Assistant*
Max Boot, Joseph Bottum, Tucker Carlson, Noemie Emery, Joseph Epstein, David Frum, David Gelernter, Reuel Marc Gerecht, Michael Goldfarb, Mary Katharine Ham, Brit Hume, Frederick W. Kagan, Robert Kagan, Charles Krauthammer, Tod Lindberg, Robert Messenger, P.J. O'Rourke, John Podhoretz, Irwin M. Stelzer, *Contributing Editors*
Terry Eastland, *Publisher*
Nicholas H.B. Swezey, *Advertising Director*
Catherine Lowe, *Marketing Director*
Richard Trocchia, *Fulfillment Manager*
T. Barry Davis, *Senior Advertising Manager*
Kathy Schaffhauser, *Finance Director*
Taybor Cook, *Office Manager*
Andrew Kaumeier, *Staff Assistant*

Advertising inquiries: 202-293-4900

The Weekly Standard (ISSN 1083-3013), a division of Clarity Media Group, is published weekly (except the first week in January, third week in April, second week in July, and fourth week in August) at 1150 17th St., NW, Suite 505, Washington D.C. 20036. Periodicals postage paid at Washington, DC, and additional mailing offices. Postmaster: Send address changes to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. For subscription customer service in the United States, call 1-800-274-7293. For new subscription orders, please call 1-800-283-2014. Subscribers: Please send new subscription orders and changes of address to The Weekly Standard, P.O. Box 50108, Boulder, CO 80322-0108. Please include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. Canadian/foreign orders require additional postage and must be paid in full prior to commencement of service. Canadian/foreign subscribers may call 1-850-682-7644 for subscription inquiries. American Express, Visa/MasterCard payments accepted. Cover price, $4.95. Back issues, $4.95 (includes postage and handling). Send letters to the editor to The Weekly Standard, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. For a copy of The Weekly Standard Privacy Policy, visit www.weeklystandard.com or write to Customer Service, The Weekly Standard, 1150 17th St., NW, Suite 505, Washington, D.C. 20036.

Copyright 2009, Clarity Media Group. All rights reserved. No material in The Weekly Standard may be reprinted without permission of the copyright owner. The Weekly Standard is a registered trademark of Clarity Media Group.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Finito, I Guess

The other afternoon around 4:15 P.M. I completed a book on which I have been working long enough to have published three other books between the time I began and finished it. How good it would be to report that I was elated at finishing and confident that I had produced a masterpiece. I was, alas, neither. My strongest feeling upon finishing, as it has been with other books I have written, was doubt. The only question on my mind was, had I honored the complexity of the subject, which is for me the only standard for a successful work of nonfiction? Neither the commercial fate of the book nor the praise or dispraise of reviewers will be able to answer the question. I'm not sure it is a question that has a satisfactory answer.

Is this gloom merely the literary version of post-partum depression? I use the comparison because writing a book has frequently been compared to giving birth to a child. The comparison, I have always felt, is lame. Giving birth entails more pain and requires more courage, and in a not more perfect but more hermaphroditic world, I'd much rather write a book than give birth to a child.

The only thing one can compare writing a book to is . . . writing another book. With every book one begins in intellectual excitement at the prospect of setting down one's insights and observations on the book's grand subject. As soon as one begins to write, one senses that these insights and observations seem rather thinner, much dimmer really, than one had supposed. "How do I know what I think till I see what I say," wrote E.M. Forster, failing to add that seeing what one says is itself often far from exhilarating.

Half way out to sea in the composition of the book, one begins to wonder if one were wise to have begun this voyage. One can always quit, of course, abandoning ship, to stay with the maritime metaphor. But that means returning the advance money for the book, and, though I am a man of few principles, one of those I strictly adhere to is never to return money to a publisher. I also don't like admitting defeat, especially when I feel utterly defeated. So one beats on, boats against the current, like the man said.

MATT COLLINS

After a reasonably polished first draft of a book is completed, there comes the terror of reading what, over a long period, one has written. What one has written, it turns out, is many of the same things, over and over. The repetitions appall. Of the many infelicities of style one encounters, let us not speak. On some mornings, clearly, one was better than on others; on a lot of these latter mornings, one would have done better to remain in bed. Does the argument flow, do things hold together over these many pages? Some of the trees one has planted seem stately enough, but who the hell removed the forest?

Revision in some ways brings the greatest pleasure in the composition of a book—more, even, than the actual writing. Revision brings, too, a chance to save the all-too exposed bottom of the foolish fellow who wrote the initial manuscript. What do you suppose he was thinking when he wrote those long, looping—"loopy" is more like it—arhythmic sentences? His spelling is atrocious, and he ain't much on grammar, either. Calls himself a writer, does he? I'm not so sure. Well, one must clean him up as best one can.

The most depressing part of writing a book is that only when one has finished it does one finally feel ready to write a really good book on the same subject. What one has written is of course not that book—not even close. Too late, though, to turn back and start again. One hasn't the fortitude to begin afresh—I at any rate have never found the fortitude. Nothing for it but to go with the book in hand and hope that no one else sees all the glaring faults in it that I do.

The question arises, of course, if writing a book is such an emotionally desolating experience as I have made it out to be, why put oneself through it? Some possible answers to the question are: for the money, for the bit of attention one hopes it will garner, for bringing one's own point of view to bear on a rich subject, for the reason that one hasn't anything better to do. But the real reason one writes the book is to be done with it, *finito*, and thereby have the freedom to write the next book, about which one's observations and insights are truly exciting, one's hopes unimaginably high.

Joseph Epstein

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Elegant Vintage Entertaining Washington, D.C. Style

Experience the splendor and graceful elegance of 1930s luxury yachting aboard the historic Miss Ann while you and your guests cruise along Washington, D.C.'s scenic Potomac River.

Privately built in 1926, this vintage luxury fantail yacht is beautifully restored and now hosts events and celebrations in Washington, D.C.

Rich in history, she served the city, Navy and country during WWII conducting patrols, secret research and serving as tender to two Presidential Yachts.

Now again serving Washington, D.C. she hosts up to 100 guests in bygone "Gatsbyesque" style while they stroll around her decks or dine in her lounges as she winds her way through history along the Potomac River.

~ The Miss Ann ~

A 1926 Classic Fantail Luxury Motor Yacht

www.missanncharters.com (202)448-8983

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the weekly Standard

Avoiding the Austerity Trap

Republicans better sign up for yoga class between now and the start of the 112th Congress. They have a difficult balancing act ahead of them, and the performance will require incredible dexterity.

On one side is the public's reasonable expectation that the next Congress will restrain the growth of government and strive to put America's fiscal house in order. On the other side is the public's equally reasonable expectation that the next Congress will help improve the economy. No matter how well the Republicans do in 2010, they can expect to be repudiated in 2012 if they fail at either task (or both).

What might trip up the GOP? It's not that the public's demands are impossible to meet. It's that belt-tightening all too easily becomes an unhealthy obsession. Number-crunching is a valuable skill, but it also has a tendency to crimp the political imagination. So Republicans must be careful as they trim expenses. Otherwise they'll fall into the austerity trap.

In the austerity trap, Republican congressmen get so outraged over earmarks to fund studies of the mating patterns of red-bellied newts, they neglect legislation that would foster long-term growth. Deficit anxiety causes conservative lawmakers to rule out sensible policies like a payroll tax cut. A myopic focus on government spending causes Republican leaders to short-change the defense budget and renege on America's global responsibilities. The entitlement nightmare frightens GOP candidates into framing their economic agenda in strictly negative terms.

In the austerity trap, you lose tactical battles over spending while passing up strategic opportunities to promote economic growth. You mistake thrift for an end in itself, rather than a means to a prosperous, virtuous society. Plunge deep enough into the trap, and you become the tax collector for the welfare state. This isn't new; the GOP's been caught in the austerity trap before. During the wilderness years from 1960 to 1980, voters elected Republicans only to clean up the messes left behind by liberal Democrats.

The good news is that the trap is easily avoidable. Why? Because fiscal responsibility and economic growth aren't mutually exclusive. They are interdependent. Rolling back non-defense discretionary spending to pre-TARP levels, as the Republicans propose in their Pledge to America, will free up capital for private investment and dispel the uncertainty about the future that clouds the business community. Adopting a simple formula to contain spending (such as the inflation-rate-minus-one-percent rule put forward by Stanford's Edward P. Lazear) would bring predictability and responsibility to the budget process.

The Gipper went for growth.

Tackling the entitlement problem, moreover, will reassure investors that America isn't hurtling at light speed toward a currency crisis. Tossing Obamacare onto the scrap-heap and replacing it with policies that emphasize portability, choice, and competition will reduce the health care price inflation that threatens to destroy the federal budget. Best of all, limited government not only brings economic benefits. It improves character by fostering independence, responsibility, risk-taking, and self-respect.

The best place to combine fiscal rectitude and pro-growth economics is the tax code. After repealing Obamacare, the second agenda item for the new GOP Congress is extending current tax rates. Then, go for tax reform.

It's been almost 25 years since Ronald Reagan and a Democratic Congress closed tax loopholes while lessen-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing the tax burden. Yet in the years following the 1986 tax overhaul, both Republicans and Democrats wasted no time carving out exemptions that favored the wealthy and well connected. Another bite at the reform apple is long overdue. We're happy to report that the White House seems open to significant changes in the tax code; the president's commission on tax reform, chaired by Paul Volcker, issued a report in August that recommended lowering the corporate tax rate while eliminating corporate welfare.

Another plan worth considering comes from Harvard's Martin Feldstein, who estimates that reducing tax "expenditures"—subsidies and credits—by 2 percent of GDP would shave trillions off the projected national debt. Many of these loopholes could be closed immediately, with others, like the perverse mortgage-interest deduction, reduced over time. What's more, this approach could be combined with countervailing reductions in marginal tax rates.

The Feldstein plan preserves incentives to work, invest, and save, all while removing the eddies in the tax code that divert capital to unproductive uses. A simpler tax code not only would benefit taxpayers, it would make America a more attractive place for foreign investment. And where there's investment, jobs are sure to follow.

A prosperity agenda doesn't stop at reduced spending and reform of entitlements and the tax code. It encompasses support for free trade, deregulation that promotes competition, and a consistent habit of tending the garden of the economy so entrepreneurs can grow and thrive. If you want to defeat the debt without resorting to punishing inflation or punitive tax increases, growth is the only option. Bring prosperity to America, and the debt problem fades away. Austerity, by itself, is not enough. To the contrary: It's a trap.

—Matthew Continetti

America at War, 2010

Before there was 9/11, there was 10/12. A decade ago this week, al Qaeda operatives staged a spectacular suicide attack on the USS *Cole* while it was refueling in Aden, Yemen. The terrorists puttered up to the destroyer's port side, waving at the U.S. sailors working on deck. Once aside the *Cole*, the two assailants shaped a 1,000-pound charge to the ship's hull. On the other side of the hull was the galley, where many of the crew were lining up for lunch. The subsequent explosion killed 17 sailors, injured another 39, and ripped a 40-foot gash in the *Cole*. By any historical standard, the attack was an act of war. Its purpose was political, its logic was strategic, its operational design was bold, and its tactical execution was flawless.

Yet it was hard for the United States to see it that way. President Clinton denounced the attack as a "despicable and cowardly act" of terrorism: "We will find out," he said, "who was responsible and hold them accountable." As he did after the 1996 Khobar Towers attack in Saudi Arabia and the 1998 bombings of U.S. embassies in Tanzania and Kenya, Clinton turned the matter over to Attorney General Janet Reno and the FBI. The Yemenis were not impressed. They greeted the arriving G-men with AK-47s leveled and, in their parliament, calls for jihad against America. They withheld evidence, producing a security camera video of the attack but with the moment of the explosion deleted. The American agents slept in their clothes and with their weapons at their sides.

Our October 30, 2000, issue

When their hotel was surrounded by gun-toting Yemenis in traditional dress, they retreated to a Navy vessel in the Bay of Aden. The Clinton administration concluded that the *Cole* plot originated in Sudan, where Osama bin Laden had taken refuge after he was expelled from Saudi Arabia in 1991. But, in contrast to the cruise missile strikes conducted in Sudan and against camps in Afghanistan after the 1998 embassy bombings, no significant military action was taken after the *Cole*.

Ten years on, our confusion lingers. The Pentagon's senior judge overseeing terrorist trials dropped all charges against the mastermind of the *Cole* attack, Abd al-Rahim al-Nashiri. But the controversy over this decision largely misses the point: The wartime purpose of detaining terrorist operatives and capturing or killing their commanders is not to prosecute them—either by military commission or in federal court—but to defeat them. It matters less that a war criminal is brought to justice than that an enemy is removed from the battlefield or becomes a source of intelligence.

As our weariness with the "Long War"—the war not just against al Qaeda but to secure the long-term interests of the United States in the greater Middle East—grows, the temptation to return to a 10/12 mentality grows as well. In the prolonged debate over strategy for the war in Afghanistan, for example, President Obama made plain that what

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

he most wanted was an approach that limited his commitment. It's a short step from a "narrow counterterrorism" military strategy to a narrower counterterrorism law-enforcement strategy.

Yet, as happened after the attack on the *Cole*, the limits of law enforcement would be soon apparent. The logic of war would reassert itself. The enemy gets a vote, including about whether the war is over. In accepting, at least for now, the argument for a larger military effort in Afghanistan, our commander in chief wasn't "boxed in" by his generals. He was boxed in by reality—the reality of war.

—Thomas Donnelly

The Real Israel Lobby

Now we know who constitutes the real Israel lobby: the American public. Especially the Republican-leaning part of it.

Consider the results of a new poll, a survey of 1,000 likely voters, conducted October 3 to 5 by McLaughlin and Associates for the Emergency Committee for Israel. (The complete survey results, including cross-tabs, are available at committeeforisrael.com.)

What the survey shows is this: The American people strongly support the state of Israel, and want their elected representatives to do so as well. An astounding 93 percent of those polled say the United States should be concerned about the security of the state of Israel. A majority—54 percent—say the United States should be "very concerned" about Israel's security. Virtually the same number care that their elected representatives be pro-Israel. When asked, "Would you be more likely or less likely to vote for a candidate whom you perceive as pro-Israel?" 53 percent say more likely, 24 percent less likely. Even more striking, the same number—53 percent—say that they could not vote for a candidate if he were anti-Israel, even if that candidate agreed with them on most other issues.

A pro-Israel country

NEWSCOM

So it's not only that the American public is pro-Israel by more than two to one. It's also that being anti-Israel is an actual disqualifier for a majority of American voters.

This is a pro-Israel nation. Which parts of it are most reliably pro-Israel?

Consider the results for the already quoted Question 30 in the poll: "Would you be more likely or less likely to vote for a candidate whom you perceive as pro-Israel?" Among those intending to vote Republican this fall, 69 percent would be more likely to vote for a candidate who was pro-Israel, 15 percent would be less likely—a margin of 54 percent. On the other hand, among Democratic voters, the pro-Israel margin is only 7 percent. That is, 40 percent of Democratic voters are more likely to vote for a pro-Israel candidate, and 33 percent are less likely. Conservatives (and Tea Party sympathizers) mirror Republicans; their pro-Israel margins are also more than 50 percent. The margin among self-described liberals? Only 5 percent. And while Fox News Channel fans are very pro-Israel, by 73 percent to 16 percent, devotees of the *New York Times* are actually negative on Israel, by 30 percent to 35 percent.

The bottom line: The public is strongly pro-Israel. But the public basically consists of two groups. The GOP/conservative/Fox News-viewing part of the public is overwhelmingly pro-Israel. The Democratic/liberal/*New York Times*-reading part of America is . . . *comme ci*, *comme ça*.

Over 50 years ago, it should be noted, conservatives and Republicans were not so pro-Israel. Indeed, the newly founded conservative magazine *National Review* was hostile to Israel. This prompted the political philosopher Leo Strauss to write an unusual letter to the editor, published in the January 5, 1957, issue. There Strauss remarked on his agreement with many articles appearing in *National Review*, but expressed his incomprehension at the magazine's hostility to Israel. He noted that if you were attached to the Bible, you should be attached to Israel; if you wanted to stand against "the tide of 'progressive' leveling," you should stand with Israel; and that if you cared about the West, you should care about Israel.

Much to its credit, *National Review*, and American conservatism more broadly, took these admonitions to heart. American conservatism is now unequivocally pro-Israel. In large part thanks to this fact, the American public as a whole is solidly pro-Israel. It is American liberals who are divided and uncertain. Can they find within liberalism the resources to resist the anti-Israel temptation? Or is it time for pro-Israel liberals to rethink their attachment to liberalism?

—William Kristol

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

How Big a Wave?

Once-safe Democrats are becoming vulnerable, New York's Kirsten Gillibrand among them.

BY JONATHAN V. LAST

THOMAS FLUHARTY

New York has two Democratic senators, both of them up for election this year. In the first race, Chuck Schumer has a commanding lead. In the other, Kirsten Gillibrand may be in trouble.

Jonathan V. Last is a senior writer at THE WEEKLY STANDARD.

The seat Gillibrand occupies was vacated in 2008 by Hillary Clinton. It was dangled in front of Caroline Kennedy before being handed, by Governor David Paterson, to Gillibrand, an attractive, centrist Democrat just beginning her second term in the House of Representatives. Yet five polls recently had her less than 11 points ahead of her underfunded Republican challenger, Joe DioGuardi. Two polls show her lead in single digits. At the national level it had been assumed that the Gillibrand seat was entirely safe. This is no longer the case.

People have been slow to understand Gillibrand's situation because the polling on her race has been wildly divergent. The Real Clear Politics average has her at +14. But that number probably overstates reality. Seven polling groups are in the field, and five of them have had the race very close—anywhere from Gillibrand +11 to Gillibrand +1. One poll, from Siena College, is an outlier pulling the average up: It has Gillibrand at +26.

Superficially, Gillibrand should be in great shape. She's young and vigorous and is from a state where Democrats outnumber Republicans nearly 2-to-1. She's the incumbent. And she's sitting on a pile of money, having raised $11.3 million so far, with $4.5 million in cash on hand (as of late August). But her political foundation is less solid than it seems.

Gillibrand still carries the stigma of being appointed by a deeply unpopular governor. (Paterson's approval ratings have recently crept *upward* to the mid-30s.) She has been a senator for only two years and has never won a statewide race, meaning that she has all the problems of incumbency, but few of the benefits. Her name ID numbers, for instance, are quite weak. Even in the poll most favorable to her, 30 percent of respondents answer "don't know/no opinion" when asked if they favor her. Compared with the personages who held the seat before her—Robert F. Kennedy, Daniel Patrick Moynihan, Hillary Clinton—Gillibrand is an unknown.

All of which has provided an opening for Joe DioGuardi, the 70-year-old who won the Republican primary in September, defeating the state party's preferred candidate. He lacks many of the traditional advantages: He too is little known, and he can't self-fund. But he is an experi-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

enced campaigner: DioGuardi won two terms in the House in the 1980s before being defeated by Nita Lowey, and later ran two unsuccessful insurgent campaigns against GOP incumbents in 1994 and 1996.

DioGuardi is a social conservative and as such not an obvious fit for New York. But the thrust of his campaign—and all of his previous campaigns—is fiscal responsibility. His pitch to voters has always been that he wants to fight against "spending money we don't have." He constantly reminds people that he's a practicing CPA with the professional instinct to pinch pennies and watch the bottom line. And this time around, his message is on point.

"She voted for the $787 billion economic stimulus package that was supposed to create jobs, but New York has lost 110,000 jobs since then," DioGuardi wrote recently. "She voted for the trillion dollar health care reform legislation, which disproportionately raised taxes on New Yorkers." If DioGuardi had the money to air these attacks more broadly, Gillibrand would be in even greater peril.

Oddly enough, Gillibrand doesn't seem worried about DioGuardi. Instead, she spent the early part of this year focused on possible primary challenges. Last year a string of New York Democrats circled Gillibrand's seat, contemplating runs against her. The White House convinced them all to take a pass.

But Gillibrand's obsessive concern about avoiding a primary challenge may actually have hurt her. First, it led her to abandon her moderate background in an attempt to court the party's far left. As a result, she's now a conspicuously liberal senator. Gillibrand has tacked so far to the left that she was one of only seven senators to vote against cutting off ACORN's funding last year. And avoiding a primary deprived Gillibrand of the chance to earn a statewide vote and establish a persona on her own terms.

DioGuardi, meanwhile, actually has an inside draw to beating Gillibrand. New York is divided into three regions: upstate, New York City, and the New York suburbs. Upstate is a place of relative parity between the parties where the outcome often tracks with national results. New York City is heavily Democratic. As Real Clear Politics's Sean Trende notes, since 1994 Republicans have averaged only 27 percent of the vote in the city in contested statewide elections. DioGuardi is poised to do at least that well. He's already over 27 percent in most polls; one has him at 35 percent in the city.

That's not unheard of: Republican George Pataki won 38 percent of the city vote in 2002. Trende argues, somewhat convincingly, that DioGuardi's Italian-American heritage will serve him well in the ethnic enclaves of Brooklyn, Queens, and Staten Island, where white voters have been willing to vote Republican in the past. If New York City's black voters don't turn out as they did in 2006 and 2008, DioGuardi has a chance to perform respectably in the city, where his winning even 30 percent will make Gillibrand uncomfortable on Election Night.

And then there are the suburbs. The off-year elections in Virginia, New Jersey, and Massachusetts all featured suburban voters revolting against Democratic candidates. That movement is taking place in New York, too, albeit on a slightly lesser scale. Obama won the three major suburban counties, Westchester, Nassau, and Suffolk, by margins of +28, +8, and +6, respectively. This year polls show Gillibrand trailing in the suburban counties by anywhere from -4 to -12. If the Republican wave lifts DioGuardi further ahead in the New York suburbs—or the National Republican Senatorial Committee decides to push some money into the race—Gillibrand could well be in trouble.

Joe DioGuardi is still a long-shot candidate. But in this extraordinary year, all kinds of once-safe seats have swung into play. Kirsten Gillibrand's is one of them. ♦

SAVE THE DATE!

The Weekly Standard returns to Europe on a ten-day cruise May 12-22, 2011—London, Cherbourg, Bruges, Lisbon, Barcelona, and more.

Learn more at **www.twscruise.com!**

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Air Force We Won't Have . . . Alas

Is the era of power projection over?

BY REUBEN F. JOHNSON

Linköping, Sweden

A three-day airpower conference at the Swedish Air Force base at Malmen this summer covered all the usual wonkish territory: defense budgeting and procurement cycles. Weapon systems development. Projections of total life cycle costs for owning and operating specific models of military hardware. Geopolitical trends in Europe and Asia and the role of the Atlantic alliance in the next decade. Prospects for NATO enlargement now that Ukraine appears to be falling back into the Russian orbit.

The presentations were delivered by an international dream team of military officials, politicians, industry experts, retired senior flag-rank officers, veterans of the NATO campaign in Kosovo—proving if nothing else that the Swedes are world-class organizers. But there was a whiff in the air, if not of decline, then of the end of an era.

For going on 70 years, U.S. armed forces have maintained—and still do—a worldwide footprint that is commensurate with our global responsibilities. Washington is still the only capital in the world where when an international crisis breaks out the country's leadership can ask, "Where is the nearest aircraft carrier?"

During the Cold War, the celebrated Soviet military thinker Marshal Nikolai Ogarkov saw that the technological prowess of the United States was gradually eroding the numerical advantages that the Soviet Union enjoyed in combat units, tanks, planes, etc.—and in an almost endless capacity to turn out not terribly sophisticated but extremely reliable and rugged weapon designs. But the U.S. advantage was not simply technology. It was what a highly sophisticated defense industrial sector could do for America's strategic capability. The threat, as Ogarkov correctly saw it, was "the American capability to fight a protracted conventional military conflict at almost any place on the globe of its choosing." In plain English: power projection.

One has to question if that capability still exists. U.S. and NATO forces find themselves severely tested in trying to maintain force levels in Iraq and Afghanistan. And the situation is going to get worse before it gets better owing to the decreasing future force levels of the European partners the United States has come to depend on.

It therefore behooves the defense policymakers in the United States to ask, "Are we buying the right hardware?" Donald Rumsfeld is famous for observing that "you go to war with the army you have, not the army you might want or wish to have at a later time." The armed forces we might wish to have at a later time will not get built, however—as pointed out at the Swedish conference—if decisions about weapon systems get made based on criteria that have little to do with national security.

Airpower is a case in point. Despite China and Russia both being in the process of developing heavy, twin-engine next-generation fighter jets, the Obama administration canceled production of the Lockheed Martin F-22. The U.S. Air Force could be accused of asking for too many of these jets, but cutting off production at the 187 units currently scheduled seems anemic compared with the Air Force's 800-plus McDonnell-Douglas F-15s—the aircraft the F-22 was ultimately designed to replace.

The key to U.S. airpower strategy for more than 35 years was to maintain a "high-low" mix of fighter aircraft. This meant having a twin-engine, long-range fighter on the high end (the F-15, later to be replaced by the F-22) and a lighter, single-engine fighter on the lower end (the F-16, later to be replaced by the F-35).

This created a division of labor in which the higher-end aircraft operated as an air superiority fighter or a long-range, deep strike platform, while the lower-end aircraft flew close air support missions for infantry and were the dogfighters, designed for an "inside the furball" up-close fight with a formation of enemy aircraft.

The other advantage of this two-tiered arrangement was that it gave the United States a sophisticated, expensive plane like the F-15 that could be sold to those allies who had the industrial base and/or economic prowess to support its operation—Israel, Japan, Saudi Arabia, South Korea, and Singapore. At the same time the cheaper, easier to operate F-16 could be sold to almost anyone—in this case 25 other air forces around the world.

The plan for the future now appears to be one of placing all of our chips on the F-35 Joint Strike Fighter. While the aircraft incorporates some features from the F-22—stealth technology, an internal weapons bay, an active electronically scanning array (AESA) radar—what it is now being called on to do is to replace a score of older-generation aircraft, and to take over many of the missions being flown by the F-15 today.

John Paul Vann, one of the unsung American heroes in Vietnam, used to have a saying that "a compromise means putting a right and a wrong together and getting neither. War is much too serious a business for that." Russians are fond of saying that "a compromise makes a great umbrella but a terrible permanent roof to live under." For all

Reuben F. Johnson is a veteran aerospace reporter.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

© moodboard/Corbis.

Building Great Sentences: Exploring the Writer's Craft

Great writing begins—and ends—with the sentence. Understanding ways to construct sentences is important to enhancing your appreciation of great writing and potentially improving your own.

Get the answers to your questions about writing and style in **Building Great Sentences: Exploring the Writer's Craft**. In these lively 24 lectures taught by Professor Brooks Landon of The University of Iowa—one of the nation's top writing schools—you explore the myriad ways we think about, talk about, and write sentences. It's a journey that gives you unique insights into the nature of great writing. It also teaches you how to achieve some of this greatness yourself.

This course is one of The Great Courses®, a noncredit recorded college lecture series from The Teaching Company®. Award-winning professors of a wide array of subjects in the sciences and the liberal arts have made more than 300 college-level courses that are available now on our website.

Building Great Sentences: Exploring the Writer's Craft

Taught by Professor Brooks Landon, The University of Iowa

Lecture Titles

1. A Sequence of Words
2. Grammar and Rhetoric
3. Propositions and Meaning
4. How Sentences Grow
5. Adjectival Steps
6. The Rhythm of Cumulative Syntax
7. Direction of Modification
8. Coordinate, Subordinate, and Mixed Patterns
9. Coordinate Cumulative Sentences
10. Subordinate and Mixed Cumulatives
11. Prompts of Comparison
12. Prompts of Explanation
13. The Riddle of Prose Rhythm
14. Cumulative Syntax to Create Suspense
15. Degrees of Suspensiveness
16. The Mechanics of Delay
17. Prefab Patterns for Suspense
18. Balanced Sentences and Balanced Forms
19. The Rhythm of Twos
20. The Rhythm of Threes
21. Balanced Series and Serial Balances
22. Master Sentences
23. Sentences in Sequence
24. Sentences and Prose Style

Order Today!
Offer Expires Thursday, October 28, 2010

Building Great Sentences: Exploring the Writer's Craft
Course No. 2368
24 lectures (30 minutes/lecture)

DVDs ~~$254.95~~ **NOW $69.95**
+ $10 Shipping, Processing, and Lifetime Satisfaction Guarantee

Audio CDs ~~$179.95~~ **NOW $49.95**
+ $10 Shipping, Processing, and Lifetime Satisfaction Guarantee

Priority Code: 47576

ACT NOW!

1-800-832-2412

www.THEGREATCOURSES.com/9wks

THE TEACHING COMPANY®
The Joy of Lifelong Learning Every Day®
GREAT PROFESSORS, GREAT COURSES, GREAT VALUE GUARANTEED.®

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of its wondrous attributes, the F-35 is a compromise on a number of levels and is unlikely to live up to its billing.

Aside from not having the power, range, and weapons carriage capability of the F-15—nor being an even match for the Russian and Chinese aircraft it might face in a conflict—it is not going to be the easy-to-repair, economical to operate aircraft that the F-16 is. "A number of these F-35s being acquired by foreign partners could end up being parked in hangars and not flown very much, because no one will be able to afford to fly them. It could financially break some of the air forces that are slated to procure it," said one senior analyst from the *Jane's Information Group*.

The culprit—once again back to the Swedish forum—is that decisions on future tactical airpower have been made almost entirely on political grounds. Canceling F-22 production did not save any real sums of money—the big development bucks had already been spent. But, as one Lockheed executive told me, the administration needed a win, and going after the F-22 program was "an easy target."

The result has air forces from Australia to Canada—and many points in between—asking if "the army that they will have" when the next conflict takes place will be the one they want. And the F-35 is not the only problem. The Brits are trying to figure out how they can afford their current commitments, plus add two aircraft carriers to their navy. Many nations are also asking how they need to structure their air forces in a world where they are being called upon for expeditionary operations.

Unfortunately, building the best hardware for future conflicts at a reasonable price is something the U.S. military seems to have forgotten how to do. There is a modern-day plane that is economical to acquire and operate and can be bought in large numbers, but it is called the Saab JAS-39 Gripen and is—well, you guessed it—made in Sweden. No small wonder that the Swedes put on this conference: to try to impart to everyone else what they have already learned about how to build effective, affordable airpower. ♦

It's the Money, Stupid

Papering over our economic problems.

BY SEAN FIELER & JEFFREY BELL

Thomas Hoenig, president of the Federal Reserve Bank of Kansas City, is the only significant public official on record in opposition to the easy-money, zero-interest-rate monetary policy being pursued by Fed chairman Ben Bernanke. So there were multiple layers of irony when Hoenig journeyed to Lenexa, Kansas, on September 23 to deliver a dinner speech to the Hope for America Coalition, a local affiliate of the Tea Party movement.

According to *Bloomberg Business Week*, a Kansas-based Tea Party leader named Steve Shute praised Hoenig for his willingness to go "toe-to-toe with Ben Bernanke and the Boston-New York-Washington-San Francisco elite axis at the Fed." He added that most members of that day's dinner audience "believe the Federal Reserve should be abolished," on the ground that it is "helping to destroy the country."

Two days earlier, at the most recent meeting in Washington of the Federal Open Market Committee (FOMC), Hoenig had cast his vote against Bernanke's latest easy-money scheme, which sets the stage for another round of "quantitative easing," a reflection in turn of the fact that for almost two years, the short-term interest rate target controlled by the FOMC has been as low as it could possibly be, yet the U.S. economy is still stagnant.

It was Hoenig's sixth consecutive FOMC meeting at which he cast the only vote against Bernanke's policy. But the December FOMC meeting will be the last of his long career. He then rotates off the FOMC and in September 2011 reaches the mandatory retirement age of 65, so Team Bernanke can expect to face even less questioning of its policy—particularly given the current complacent state of the Republican party.

At the moment, Republican leaders and policy elites are advancing exclusively fiscal solutions that address only the government response to the economic crisis and not the crisis itself. Fiscal deficits did not create the crisis, and reducing deficits won't put our economy on a stable footing. From its inception in 2007 right up to the present, the crisis derived from the interaction between excessive investment leverage and dysfunctional interest-rate policy—in other words, a predominantly monetary phenomenon, albeit one that has had grave fiscal consequences.

As long as the GOP enjoys the luxury of being the only alternative to Barack Obama and the Democrats, the party is understandably reluctant to delve into the murky depths of monetary policy. But after November 2, the Republicans' role will change. They could do worse than pay attention to the only public official, elected or unelected, who is speaking out against current monetary policy, telling anyone who will listen—including an increasingly impatient Tea Party movement—that the root of the crisis is monetary.

Shortly after the fifth of his six "No" votes at the FOMC meeting of August 10, Hoenig delivered a speech in Lincoln, Nebraska, that explains in considerable detail the thinking behind his stubborn and lonely dissents. He recalls being on the FOMC in the third quarter of 2003, when (with strong urging from the most influential new George

Sean Fieler and Jeffrey Bell are chairman and policy director of the American Principles Project, a Washington-based advocacy group.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

W. Bush appointee, governor Ben Bernanke) the Alan Greenspan Fed cut short-term interest rates to 1 percent—during a quarter, it turned out, when the economy was growing at nearly a 7 percent annual rate. The Fed then left rates at 1 percent for several months, even after it had become evident that the economy was taking off in the wake of the 2003 Bush tax cuts. This excessive loosening, Hoenig argues, allowed credit to explode and "set the stage for one of the worst economic crises since the Great Depression."

Hoenig also believes that a milder but similar overeasing by the Greenspan FOMC triggered significant dislocation a decade earlier, in the 1990s. In his review of the ominously escalating pattern in the financial crises as well as in Fed policy responses, Hoenig raises the possibility that the worst train wreck of the dying paper-dollar system may still lie ahead. Summoning his strongest language to date, Hoenig condemns as a "dangerous gamble" the Bernanke FOMC's decision to pursue a zero-interest-rate target for months, perhaps even years beyond its appropriate time. If zero interest rates constitute a dangerous gamble, the Fed's ongoing public campaign for additional quantitative easing must have him terrified.

It's not that no one has noticed the policy shipwreck. But Bernanke has remained immune to criticism even from conservative inflation hawks because they can't articulate what they would have done differently. Substantive criticism needs to extend beyond Bernanke and dissect the nature of the paper monetary system. Conservatives' inability to offer a systemic critique, despite the fact that the paper standard is in the process of breaking down, shows the extent to which the right has been coopted by the idea that the monetary authorities should micromanage the economy.

In a sense this is not surprising, since it was the iconic Milton Friedman who helped convince Richard Nixon to suspend gold convertibility and float the dollar on August 15, 1971, leaving the Fed with full discretion to intervene in the economy to smooth out business cycles. Friedman deserves enormous credit for bringing the conservative movement and even many nonconservatives to embrace free-market theory, especially deregulation, at a time when it wasn't in vogue. But unfortunately his long shadow extends to include his quasi-Keynesian belief that the Fed should engage in economic planning.

The awkward truth is that conservatives have grown to rely on the Fed to right the economy in a recession. After all, monetary fine-tuning can soften the blows of economic turbulence. For two decades, Republicans cheered on one of their own, Alan Greenspan, in this endeavor. President George H.W. Bush even begged Greenspan (unsuccessfully) to further cut interest rates as the economy pulled out of the 1990-91 recession.

But this dependence on monetary policy to smooth out the business cycle has proven short-sighted. Easing the downside of recessions comes with a

Free Enterprise Is Still the Answer

By Thomas J. Donohue
President and CEO
U.S. Chamber of Commerce

"Where's the recovery?" That's the question millions of unemployed Americans continue to ask. Unemployment still hovers near 10%, the economy is still sluggish, and poverty is on the rise. Washington's policy prescriptions—more taxing, more spending, and more government control of the economy—haven't worked. It's time for a change of direction. It's time to re-embrace the free enterprise principles that made America the most prosperous nation in history.

The U.S. Chamber this week celebrates the one-year anniversary of its Campaign for Free Enterprise. This initiative was launched to both remind and educate citizens—and their elected representatives—about the essential role that free enterprise plays in economic growth and job creation. We have been spreading this message using every tool at our disposal. This includes a national television campaign, speeches before hundreds of state and local chambers of commerce across the country, and a roundtable discussion with our nation's governors on best practices for creating jobs. We have initiated efforts to engage young people through social media platforms such as Facebook and through partnerships with the Extreme Entrepreneurship Tour and Junior Achievement.

Meanwhile, the Chamber has continued to make the case for creating 20 million new American jobs by the end of this decade. With Congress seemingly focused on everything *but* job creation, we took the initiative to introduce a *Strategy for New American Jobs*. This strategy outlines several free-market policy proposals that could help the economy get back on track.

Taken together, our program has played a significant role in shaping the national debate during this critical election year. The issues being discussed by the American people—including spending, taxes, and overregulation—suggest that we've had a real impact.

Returning America to its free enterprise roots is not something that the Chamber can do alone. We need every person who believes in the free enterprise values of individual initiative, hard work, and freedom of choice to stand with us. We need you to spread the word in your communities and remind people that free enterprise—even with its flaws—has done more to improve our condition than any other economic system. Finally, before you step into the voting booth on November 2, be sure to ask the candidates the five questions regarding free enterprise that we have developed (visit www.FreeEnterprise.com).

2010 has been a difficult year for many Americans, but I remain optimistic that better days lie ahead if only we return to the free enterprise principles that have served our country so well.

U.S. Chamber of Commerce Comment at www.chamberpost.com.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

huge cost—the pileup of debt, which opens the door to riskier financial behavior and more traumatic crises. Consider the year Hoenig singled out, 2003, when the Fed brought the Fed funds rate down to 1 percent on its exaggerated fear of deflation. The housing bubble that grew out of this easy-money policy burst with consequences no one from Greenspan on down ever imagined. And the Fed is still trying to figure out how the economy will emerge from that catastrophe.

Unfortunately for would-be incrementalists, there is no viable way to maintain the Fed's current role as guarantor of short-term financial stability and still reform the paper money system so as to remove its tendency toward the unsustainable accumulation of debt. For the paper money system that the Fed manages not only encourages debt, the system *is* debt. A newly issued dollar is in fact a form of government-issued debt whose only value comes from its mandated ability to pay off existing dollar-denominated debts. In this system, more debt will always be the painless short-term cure for the general problem of overindebtedness, even though more debt is an insane long-run response to the problem of too much debt.

The self-perpetuating feature that has kept this perverse system alive is the dollar's position as the world's reserve currency. Before the dollar assumed this role between the two world wars, gold—something of independent value and no particular country's liability—was used to settle international payments between central banks and composed their primary reserve asset. But with the dollar performing those functions, its oversupply has often been absorbed abroad. So Bernanke and his predecessors in the paper-dollar era have been able to print a lot of new dollars, over time inevitably driving down the global value of the dollar, without necessarily generating domestic inflation. That is the enabler of, among other things, relatively painless federal budget deficits. For a red-ink-hemorrhaging Greece or California, the specter of default is always on or near the table. For Bernanke and Congress, colossal deficits are just another day at the office.

Republicans, far from broaching this unwelcome subject, have correctly concluded they need say little new to achieve a huge comeback in Congress, given the electorate's mounting dislike of Obama's European-style paternalistic elitism. The challenge (and danger) for Republicans will come after the November election, particularly if they regain control of one or both houses of Congress and find themselves in need of a legislative agenda to send, or attempt to send, to the desk of President Obama for his signature or veto.

Before the dollar assumed its role as the reserve currency, gold—something of independent value and no particular country's liability—was used to settle international payments between central banks and composed their primary reserve asset.

By focusing solely on fiscal policy Republicans are setting themselves an impossible task. They don't seem to have grasped the extent to which our debt-driven monetary system enables (and therefore encourages) irresponsible fiscal policy. As was true under President George W. Bush, Republicans will be operating in a monetary environment that precludes the possibility that the federal government can ever run out of money to spend, which makes it virtually impossible to control spending.

Instead of praying that the Republicans will not fall victim to the same pressures to spend as everyone else who has served in Congress since the dollar was unmoored from gold, we must limit the power of the federal government in a way that is consistent with the reality that most elected officials, most of the time, act out of self-interest rather than in the public interest. As the past four decades have shown, our system of limited government cannot include an institutional printing press that stands ready to absorb any unwanted government issuance of debt.

That the party ostensibly in favor of limited government has left Hoenig, a reformed Keynesian, to sound the alarm is worrisome. To be effective, the Republicans will now need to show the same courage Hoenig is demonstrating by his willingness to attack his longtime central banking colleagues at Tea Party events. This courage will come only once Republicans realize, as Hoenig already does, the dangerous game the Fed is playing: calling into greater and greater question the currency by which economic values are measured and on which our financial security depends.

But embracing Hoenig's critique of the Fed will not be enough. Republicans must go a step further. The debt-driven global monetary system inadvertently started 39 years ago by Nixon is both opaque and dysfunctional. Not a single official any longer seems to understand it, with the possible exception of one regional Fed president, a 64-year-old man who after receiving his doctorate in economics from Iowa State in 1973 went to work at the Kansas City Fed and has worked there ever since. And even Hoenig, in 2003, voted in favor of the policy that he now rightly criticizes.

Conservatives should take this opportunity to swear off the paper dollar standard and monetary micromanagement for good. This needed catharsis will allow the founding republican principles of limited government and human fallibility to inform our monetary policy. As always, the world is looking to the United States for leadership. If we do not begin to return to the simple, transparent workings of the international gold standard, where the world's final money once again is something of independent value, the future not just of money but of global capitalism itself is likely to be cast into even greater doubt than we've seen so far. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

No Contract

Finally, a cell phone that's… a phone!

Price Reduced by $48

"Well, I finally did it. I finally decided to enter the digital age and get a cell phone. My kids have been bugging me, my book group made fun of me, and the last straw was when my car broke down, and I was stuck by the highway for an hour before someone stopped to help. But when I went to the cell phone store, I almost changed my mind. The phones are so small I can't see the numbers, much less push the right one. They all have cameras, computers and a "global-positioning" something or other that's supposed to spot me from space. Goodness, all I want to do is to be able to talk to my grandkids! The people at the store weren't much help. They couldn't understand why someone wouldn't want a phone the size of a postage stamp. And the rate plans! They were complicated, confusing, and expensive… and the contract lasted for two years! I'd almost given up when a friend told me about her new Jitterbug phone. Now, I have the convenience and safety of being able to stay in touch… with a phone I can actually use."

Questions about Jitterbug?

Try our pre-recorded Toll-Free Hotline 1-888-827-9418.

The cell phone that's right for me. Sometimes I think the people who designed this phone and the rate plans had me in mind. The phone fits easily in my pocket, but it flips open and reaches from my mouth to my ear. The display is large and backlit, so I can actually see who is calling. With a push of a button I can amplify the volume, and if I don't know a number, I can simply push one for a friendly, helpful operator that will look it up and even dial it for me. The Jitterbug also reduces background noise, making the sound loud and clear. There's even a dial tone, so I know the phone is ready to use.

Affordable plans that I can understand – and no contract to sign! Unlike other cell phones, Jitterbug has plans that make sense. Why should I pay for minutes I'm never going to use? And if I do talk more than I plan, I won't find myself with no minutes like my friend who has a prepaid phone. Best of all, there is no contract to sign – so I'm not locked in for years at a time or subject to termination fees. The U.S. – based customer service is second to none, and the phone gets service virtually anywhere in the country.

Monthly Minutes	50	100
Monthly Rate	$14.99	$19.99
Operator Assistance	24/7	24/7
911 Access	FREE	FREE
Long Distance Calls	No add'l charge	No add'l charge
Voice Dial	FREE	FREE
Nationwide Coverage	Yes	Yes
Trial Period	30 days	30 days

More minute plans available. Ask your Jitterbug expert for details.

FREE Gift

Order now and receive a free Car Charger. A $24 value!

100% U.S. Based Customer Service

Available in Red, White (shown), and Graphite.

Call now and get a FREE GIFT. Try Jitterbug for 30 days and if you don't love it, just return it. Why wait, the Jitterbug comes ready to use right out of the box. The phone comes preprogrammed with your favorite numbers, and if you aren't as happy with it as I am you can return it for a refund of the purchase price. Call now, the Jitterbug product experts are ready to answer your questions.

jitterbug® SAMSUNG firstSTREET for Boomers and Beyond®

1998 Ruffin Mill Road
Colonial Heights, VA 23834

Jitterbug Cell Phone

Call now for our NEW low price.

Please mention promotional code 41433.

1-888-785-9441

www.jitterbugdirect.com

47447

IMPORTANT CONSUMER INFORMATION: All rate plans require the purchase of a Jitterbug phone and a one-time set up fee of $35.00. Coverage and service is not available everywhere. There are no additional fees to call Jitterbug's 24-hour U.S. Based Customer Service. However, for calls to an Operator in which a service is completed, minutes will be deducted from your monthly balance equal to the length of the call and any call connected by the Operator, plus an additional 5 minutes. Rate plans do not include government taxes or assessment surcharges. Prices and fees are subject to change. Savings are based on marketing materials from nationally available cellular companies as of June, 2010 (not including family share plans). The full price of the Jitterbug Phone will be refunded if it is returned within 30 days of purchase, in like-new condition, and with less than 30 minutes of usage. A Jitterbug Phone purchased from a retail location is subject to the return policy of that retail location. The Jitterbug phone is created together with worldwide leader Samsung. Jitterbug is a registered trademark of GreatCall, Inc. Samsung is a registered trademark of Samsung Electronics America, Inc. and its related entities. Copyright ©2010 GreatCall, Inc. Created together with worldwide leader Samsung. Copyright © 2010 by *first*STREET for Boomers and Beyond, Inc. All rights reserved.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Most Important Race of 2010

If Fiorina beats Boxer, liberalism will suffer a grievous defeat

By Fred Barnes

Sacramento

Barbara Boxer under pressure is like a reckless driver in traffic. She's out of control and extremely careless. "You know, like, I don't want to go back to the days when thousands of people died every day because they had no insurance," she declared in a debate in late September. Boxer, as best one could tell, was referring to the era before President Obama's health care plan was enacted.

If true, at least 730,000 people were dying annually in America for lack of health insurance. (To do the math, it's a minimum of 2,000 deaths every 24 hours multiplied by 365 days.) That's a staggering number of people who presumably couldn't get life-saving medical care because they were without an insurance policy to foot the bill.

Boxer's claim didn't get a rise out of the questioners in the debate, a radio match between Boxer, the Democratic senator from California, in an NPR studio in Washington, and her Republican opponent, Carly Fiorina, at a public station in Pasadena. No one asked a follow-up.

After the debate, Boxer took questions from the media. (Fiorina did the same in Pasadena.) I asked Boxer for the basis of her claim. Without hesitation, she said it was reports, studies, things she'd read. She offered no specific citation.

That wasn't the end of the matter. Boxer approached me in a friendly manner after the Q-and-A session, said she hadn't seen me in a while, and said she remembered me from *Roll Call*, the Capitol Hill newspaper. She'd mistaken me for Morton Kondracke, my colleague as a Fox News commentator who indeed does write a column for *Roll Call*.

The senator briefly continued the discussion of deaths due to lack of insurance. I mentioned a study that concluded 40,000 people die annually because they aren't insured. (At least one other study has put the death toll at zero.) But Boxer didn't flinch. She didn't back off from her claim. She left the press room, only to return about 10 seconds later. "Fred, did I say thousands a day?" she said. "I meant thousands a year." It was a wise tactical retreat.

What should we draw from this episode? Three things. One, in the heat of a reelection campaign, Boxer will say just about anything so long as she can get away with it. And she usually can. Two, she is under extraordinary pressure from Fiorina, by far the strongest Republican candidate she's ever faced. Three, Boxer is a tough, resourceful, and shrewd campaigner and not too haughty to correct a false statement when necessary to avert trouble.

Often that's not necessary. Boxer, 69, makes so many dubious, untrue, hypocritical, or outlandish remarks in a single debate that most of them fly by without registering. Thank heaven for transcripts.

"*Roe* v. *Wade*, I believe, is a decision that brings us all together," she said in the radio debate. That takes one's breath away. *Roe* v. *Wade*, the 1973 decision legalizing abortion, is the most divisive Supreme Court ruling since the *Dred Scott* case in 1857. It brings us together the way the Civil War did—in an angry fight with political ramifications that endure for decades.

"Sixty-two percent of our people were going broke due to a health care crisis," Boxer said in the same debate. Again, she tossed out a large, highly unlikely number. "California is not a state that sits around and lets anybody else lead," she insisted. This may have been true decades ago, but now California leads the nation only in fiscal irresponsibility, dysfunctional governance, and the mass exodus of the business class.

On immigration, "we have to stop this arguing," she said. "We have to come together." This is odd coming from a notoriously argumentative senator, one for whom the label "bitterly partisan" could have been invented. Boxer was removed last summer as lead senator on the cap and trade bill to clamp down on carbon emissions because she was too fractious to line up sufficient votes.

The stimulus? "It is creating jobs," she said in the radio debate. "I have gone all over the state. Our Republican governor says it is creating tens of thousands of jobs and saving others." Maybe, but the real numbers don't lie. When

Fred Barnes is executive editor of The Weekly Standard.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the stimulus was passed in February 2009, the unemployment rate in California was 10.2 percent. Now it's 12.4 percent. Only Nevada and Michigan have higher jobless rates. Boxer's fallback position: Unemployment would have been even higher without the stimulus.

Boxer's specialty is citing unverifiable and highly improbable numbers to back up her positions. She flings them out like confetti. The relatively innocuous bill passed last month to aid small businesses will create "500,000 to a million new jobs," she said in her first and only televised, face-to-face debate with Fiorina. She also said she's "fighting hard to make California a hub of a new clean energy economy and the millions of jobs that go with it." Millions!

She has "many ideas" for reducing the budget deficit. Ending the war in Afghanistan "will be a trillion dollars," she said in the radio debate. "Collecting from people who are ripping off the government and other uncollected payments to the government is another trillion dollars. Stopping tax breaks to the millionaires and the billionaires . . . that's almost another trillion. So you go on and on." Saving trillions!

In Carly Fiorina, Boxer finally faces a dangerous, well-financed challenger.

NEWSCOM

Barbara Boxer does go on and on—10 years in the House seat north of San Francisco and 18 years in the Senate, where she replaced another liberal warhorse, Alan Cranston. Having won reelection in 2004 over Republican Bill Jones in a landslide, she appears to be an immovable object in California politics.

Appearances can deceive. In each of her three previous Senate races, there was a moment when Republicans thought they would defeat her. In 1992, the supposed electoral "year of the woman," she benefited from a weak showing in California by the first President Bush and a calculated leak late in the campaign that Bruce Herschensohn, her Republican foe, had patronized a strip club. She won with 48 percent of the vote. Six years later, Boxer defeated state treasurer Matt Fong after he stumbled on the abortion issue, twice shifting his position. She won, 53-43 percent. In 2004, Jones's challenge faded quickly. Boxer won, 58-38 percent.

From 48 percent to 53 percent to 58 percent—Boxer's trajectory is impressive. It's also misleading. Her negatives—40-plus percent of Californians view her unfavorably—have remained stable. She did herself no good last year when she chastised Brigadier General Michael Walsh at a Senate hearing for calling her "Ma'am" instead of "Senator." Boxer said she called Walsh later to see if he was upset or owed an apology. "No, not at all," she quoted him as saying. But what did she expect him to say to a member of the Foreign Relations Committee, whose influence on military issues could be crucial?

And she's always managed to make her opponent the issue, not her own record. "She's been a very lucky politician," says Stu Spencer, the famed strategist who's advising Fiorina.

In 2010, things are different. The first is Fiorina. She is the most attractive and best financed candidate Boxer has faced. Fiorina, 56, the former CEO of Hewlett-Packard, articulates the free-market alternative to liberal, statist economic policies better than any candidate I've seen this year. Her experience as a highly visible corporate executive in Silicon Valley has made her a poised candidate, a natural, though it's her first run for office. This is a surprise, since ex-CEOs are usually poor candidates.

The "anti-incumbent, anti-Washington, antigovernment feeling," as Spencer calls it, has produced a Republican tailwind, the likes of which Boxer has never encountered as a candidate. Her record is now an issue, big-time.

Fiorina benefits as well from Meg Whitman's campaign for governor against Jerry Brown. Whitman, the former boss of eBay, not only has spent more than $100 million, but she's funding much of the ambitious get-out-the-vote effort for Republicans. She is wooing the moderate center, while Fiorina "appeals to the [Republican] base more than anyone else on the ticket," says Kevin McCarthy, the chief deputy whip for House Republicans. "To me, that brings synergy to both."

The Boxer-Fiorina race is the single most important and symbolic event of the 2010 campaign. Republicans don't require a Fiorina victory to gain 10 seats and take control of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the Senate. But Boxer has a special status. She's the epitome of 21st-century liberalism run amok. The aftershock of her ouster would be shattering. "It would have a tectonic effect as the Democrats sift through the rubble of the 2010 campaign," says Ken Khachigian, the Republican consultant and speechwriter.

Three questions about Fiorina and her campaign remain. Does she have the moxie to stand up to a fusillade of vilification from Boxer? Can a pro-life conservative win a top-of-the-ticket race in the thoroughly blue state of California? And is Fiorina disciplined enough to keep the campaign focused on Boxer?

The day Fiorina was to deliver a speech to the California Republican party's convention last year, her doctor told her she had breast cancer. She was stunned. She'd had a clear mammogram two weeks earlier. "I went home, told my husband, and we drove to the convention in Sacramento," Fiorina says. The *San Francisco Chronicle* characterized her speech as "energetic." She didn't mention cancer.

It was February 2009. Fiorina was already considering a race against Boxer. For the next six months, however, she was out of commission. She had a double mastectomy, then radiation and chemotherapy until August. In October, her daughter Lori died at age 35. "It was a bad year," Fiorina says. She announced her candidacy in November. Though her hair was just beginning to grow back, having fallen out during her cancer treatment, she refused to wear a wig.

"Nothing's more terrifying than learning you have cancer," she told me. "Nothing's more horrifying than losing a child. . . . Those are hard things to go through. When you get through them, it makes you more compassionate, more humble, [and] it's easier to hear people's pain. You lose a lot of fear about things."

Fiorina spent most of her childhood in California. Her father, Joseph Sneed, was a law professor at Stanford before becoming dean of Duke Law School, Richard Nixon's alma mater. Nixon had fond memories of Duke and, as White House tapes obtained by Dan Morain of the *Sacramento Bee* revealed, was pleased to learn from aide John Ehrlichman that Sneed was "very bright, very obviously quite conservative, a good Republican." Nixon appointed Sneed a deputy attorney general in 1973 and a few months later nominated him to a seat on the 9th U.S. Circuit Court of Appeals. Sneed served on the court for more than 30 years.

A law school dropout, Fiorina worked as a secretary, receptionist, and Kelly Girl. With a Stanford BA and an MBA from the University of Maryland, she was hired as a management trainee by AT&T in 1980 and had a meteoric rise through the company's ranks. In 1999, she became Hewlett-Packard's CEO and a highly publicized corporate leader. But in 2005, HP's board removed her. Boxer contends that Fiorina's record at HP, more than the senator's own record in Congress, is a leading issue in the campaign.

"I was utterly devastated" over being fired, Fiorina wrote in her 2006 memoir, *Tough Choices*. "But the next day the sun still came up and life went on. . . . I know I will someday again find a cause to which I will commit all my passions."

In 2007, she joined John McCain's presidential campaign as a surrogate on economic issues. "I was so taken by his book," *Faith of My Fathers*, she says. "His heroism and humility were really striking to me." McCain staffers, however, don't recall Fiorina's appearances with admiration.

On a St. Louis radio show, she was asked if she believed Sarah Palin had the experience to run a major company. "No, I don't," she said. "But you know what? That's not what she's running for." When she went on MSNBC to soften her comment, Fiorina was asked if McCain could run a big company. No, she said, he couldn't either. After that, her surrogate appearances were kept to a minimum.

Fiorina's role with McCain was, to put it kindly, a learning experience. But by the time she began her Senate campaign a year later, she'd improved dramatically in her ability to talk about issues smoothly and cogently. "There's no, 'uh, uh, uh,' when she speaks," Khachigian says.

"Practice helps," Fiorina says. "It's easier when you're speaking for yourself. It's hard to be a surrogate. I've done a lot of speaking. You get better at it." George Skelton of the *Los Angeles Times*, who's never had a soft spot for Republicans, surprised the Fiorina camp by praising her performance in the televised debate with Boxer. "Fiorina looked polished, in control and a master of details," he wrote. "She seemed senatorial, a new face one could visualize in Congress."

But it was Fiorina's meeting with the editorial board of the *San Francisco Chronicle* that had a more tangible impact. She was never at a loss for words in the 52-minute session, persuasively defending her pro-business views. The editors couldn't bring themselves to endorse a candidate as conservative as Fiorina, though they noted she "has campaigned with a vigor and directness that suggests she could be effective in Washington."

That, by itself, was startling. Even more unexpected was the *Chronicle*'s failure to back Boxer, whom it had endorsed in 2004. "Boxer's campaign, playing to resentment of Fiorina's wealth, is not only an example of the personalized pettiness that has infected too much of modern politics, it is also a clear sign of desperation," the editors said, words that could have come out of the Fiorina campaign's playbook.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Boxer says the contest between her and Fiorina is primarily about jobs ("I'm fighting for those jobs every day") and "presents one of the clearest [choices] in the nation." She is right on both counts.

Her five-part "jobs plan" is something to behold. Incentives or private investment or profits—those are foreign ideas to Boxer. Instead, she favors punishing corporations and Wall Street and relying almost entirely on government for job creation. Boxer is oblivious to the problem with her plan: It's been tried before and never worked.

She would "end tax breaks to companies that ship jobs overseas," while providing "tax cuts for middle class Americans and businesses that are creating jobs right here in America." The business community shouldn't get its hopes up. She's for increasing the tax on capital gains and dividends and has never advocated a lower corporate income tax rate. Boxer would "crack down" on Wall Street banks. For job creation, she is "working to make our state the hub for the new clean energy industry." That means those elusive "green jobs," subsidized by the taxpayers. She boasts about "leading the Senate committee that creates construction jobs in the private sector by making our roads and our bridges safer."

The fifth plank aims "to get our deficit and our debt under control, and I support President Obama's plan to do just that." She doesn't identify the Obama plan. If he has one at all, it's insignificant. Obama is still spending, not cutting.

Fiorina treats Boxer as an economic illiterate. "There is an enormous difference between the two worlds that have shaped Barbara Boxer and me," she said at the state GOP convention in August. "I come from the free market, free enterprise system that built up America and made us the greatest and most generous nation on earth. . . . Barbara Boxer is a lifetime politician who comes from the world of government, a world where she spends other people's money, where productivity is never measured, where results don't seem to matter, and where problems are not a factor."

Boxer lives in an economic dream world, Fiorina says. "In business, we have, you know, facts, numbers, results. But somehow career politicians like Barbara Boxer seem to think that if they say it, it must be so." On spending, Boxer is fuzzy. Fiorina would return spending to the level in 2008. "Start there," she says, and cap increases in spending at 1.5 percent a year. Fiorina supports a variety of tax cuts, including a two-year payroll tax holiday for hiring the unemployed and special tax breaks for luring overseas jobs to America.

What Boxer doesn't understand, Fiorina says, is that in a global economy "jobs can go anywhere." America has "to fight for jobs" as never before—with China, India, and other countries—"and we're not doing it." High taxes and a "thick" set of regulatory burdens drive jobs away, she says.

Given California's center-left tilt, Fiorina's unswerving conservatism has amazed the media and even some of her own advisers. "She's more conservative than we thought she was," one adviser told me. After she won the primary—boosted by Sarah Palin's endorsement—a lurch to the political center by Fiorina was widely anticipated.

It hasn't happened, and not only on economic issues. She's not a soft pro-lifer. Fiorina is for overturning *Roe* v. *Wade*. She's a critic of gun control. She's for "states' rights." She supports the Arizona immigration law. "Imagine this," Dan Morain wrote in the *Sacramento Bee*, "In environmentally sensitive California, Carly Fiorina . . . supports offshore drilling and nuclear power, and hates the law that promises to reduce greenhouse gases."

Fiorina isn't demure in defending her views. Nor have the brutal TV ads by the Boxer campaign, roasting her for sending 30,000 jobs overseas when she ran Hewlett-Packard, fazed her. "If people watch me for more than five minutes, they realize that toughness is not my problem."

A pro-life conservative hasn't won a top-of-the-ticket race in California since George H.W. Bush was running for president in 1988. Fiorina thinks she can win in 2010 by focusing relentlessly on jobs and spending and Boxer's hyper-liberal record, and avoiding abortion, guns, gay rights (she's against gay marriage, for civil unions), the environment, HP, and hot-button social issues in general.

This is easier said than done. The media are no help. In the radio debate, Fiorina got five questions on abortion, three on the environment, two on guns. In the other debate, the moderator intervened to ask her about her severance package at HP, *Roe* v. *Wade*, assault weapons, and a ballot proposition on global warming. Boxer had to be pleased. These are the issues she wants to talk about.

Despite this, there's a way a conservative can win in California. Khachigian calls it the "fishhook" strategy. You win Sacramento, the Central Valley, San Diego, and circle back to capture the collar counties around Los Angeles. If the strategy succeeds, you win by a small margin. There's no room for mistakes.

Fiorina is a disciplined candidate. But her willingness to explain her position, sometimes at length, on issues other than Boxer, jobs, and spending may cause her trouble. Her target audience is independent, swing voters—roughly a quarter of the electorate—and she's at risk of alienating independent women on abortion.

But if any conservative can win California, it's Fiorina. And Boxer's penchant, when under pressure, for saying just about anything may help. "I love the military," Boxer said in the TV debate. That's a whopper, both preposterous and laughable. A few more of those may put Fiorina over the top. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Supreme Court and Religious Liberty

How a 1990 decision has come back to haunt us, and how its damage might be undone.

By Allen D. Hertzke

As the Supreme Court enters its new session this month, no issue looms as large as religious liberty in America. At the end of its last session, the Court, in an unprecedented and potentially devastating blow to the first freedom, denied the right of a voluntary Christian organization to determine religious standards for its membership at a public university. On June 28, by a 5-4 vote, the Court ruled in *Christian Legal Society* v. *Martinez* that the University of California's Hastings College of Law could deny recognition to the group because it restricted membership to those who adhered to its principles.

Much media commentary on the case suggested that the Christian Legal Society (CLS) was denied school recognition because it excluded gays and lesbians from membership. That is inaccurate. CLS bylaws restricted voting and leadership to those willing to sign a statement of faith affirming their commitment to live according to Christian beliefs and principles, one of which was to refrain from sexual intimacy outside of marriage understood as the sacred union of husband and wife. Thus, celibate gays and lesbians who affirm Christian doctrine could be voting members, elected leaders, or Bible study instructors, while heterosexual students who reject the doctrine of sex only in marriage could not. In other words, CLS was affirming a viewpoint: its understanding of Christian discipleship.

The Court's decision is a multiple blow: to religious liberty, freedom of association, and free expression. While some have proposed a targeted legislative remedy—a law denying federal funds to schools that restrict students' freedom of association and expression—the case has implications far beyond the rights of campus groups. Indeed, the ruling signals that the feared collision between politically correct policies and religious freedom is upon us. It is of a piece with other growing threats to religious autonomy and rights of conscience produced by the fusion of the regulatory state with an elite culture increasingly indifferent or hostile to religion.

But here is where an ironic backstory comes into play. Conservatives unquestionably are the most vigorous defenders of religious autonomy today. Yet it was the Court's conservative leader, Antonin Scalia, who two decades ago led the way in eliminating a key lever that CLS could have powerfully invoked: the legal doctrine that infringements on religious freedom be treated by the Court with "strict scrutiny." Recovering this standard may be the best—and in an era of liberal jurisprudence perhaps the only—way to stem the coming judicial onslaught against the free exercise of faith.

The facts of the current case illuminate the growing threat to religion from elite secular institutions. The Christian Legal Society is a nondenominational organization of Christian law students, lawyers, and judges with chapters at 165 law schools. In 2004, it applied to be a registered student organization at Hastings, along with 60 other student groups representing Hispanics, blacks, Jews, Muslims, Vietnamese, Democrats, Republicans, feminists, and advocates for various causes—pro-life, pro-choice, environmental protection, animal rights, various constitutional schools of thought, and so on. Without official registration a club is hampered in its ability to recruit members, announce events, and hold meetings on campus. In 1972, the Court held that such denial on the basis of viewpoint is unconstitutional (though back then the excluded club was the fashionably radical SDS).

In its nearly century-and-a-half history, Hastings has denied registration to exactly one group: the Christian Legal Society. The school initially justified its stance by claiming that the bylaws of CLS discriminated on the

Allen D. Hertzke is presidential professor of political science at the University of Oklahoma.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

basis of religion and sexual orientation and thus violated the school's policy to not "discriminate unlawfully on the basis of race, color, religion, national origin, ancestry, disability, age, sex, or sexual orientation." CLS requested an exemption, which the school denied. CLS then sued Hastings on the grounds that the denial of recognition violated the organization's First Amendment rights to speech, assembly, and religious expression. In an ominous sign of judicial disregard for religious liberty, CLS lost at both the district and circuit court levels before gaining a Supreme Court hearing.

Recognizing the import of the case, a broad array of religious and civil liberties groups joined in amicus briefs on behalf of CLS. These included the U.S. Conference of Catholic Bishops and groups representing evangelicals, Jews, Sikhs, Muslims, and black and Hispanic Christians. The briefs on behalf of CLS were compelling and often passionate. The officers and past presidents of the Evangelical Theological Society argued that forcing religious groups to admit persons who do not share the faith "will allow every public college and university in the United States to exclude all evangelical Christian organizations." Agudath Israel of America warned that affirming the lower court decision against CLS would "point a judicial dagger at the heart of the Orthodox Jewish community in the United States." CLS even gained support from the libertarian group Gays and Lesbians for Individual Liberty, which argued that the right of association is a crucial resource for "disfavored and disenfranchised minority groups"—indeed, that it is pivotal for gay rights—and that Hastings's policy of "compulsory association" was "both self-defeating and unconstitutional."

Forcing religious groups to admit persons who do not share the faith 'will allow every public college and university in the United States to exclude all evangelical Christian organizations.'

Advocates International, a global network of Christian lawyers, cautioned, further, that a judgment against CLS would undercut the fight against persecution around the world in the face of the growing tendency of governments to muzzle religious people. And it would put the United States in the perverse position of undermining at home the rights of expression, association, and religion enshrined in the Universal Declaration of Human Rights that Americans championed at the end of the Second World War.

As the case moved through the stages of litigation, it became clear how disingenuous Hastings officials had been in claiming they applied the same standard to all groups. Justice Alito devastatingly showed in his dissent that school administrators went through legal contortions to justify their singular rejection of CLS. They initially invoked California's nondiscrimination policy, apparently applying it for the first time against a voluntary student group for religious and sexual-orientation discrimination. After CLS sued the school, charging that this odd interpretation of "nondiscrimination" would perversely discriminate on the basis of religion and viewpoint, the school suddenly discovered an "all comers" policy, which required all student groups to admit any applicant. But up to that point, numerous clubs had openly and reasonably restricted membership to those who adhered to their principles. And only after CLS sued did the law school instruct certain groups, such as La Raza, which restricted membership to Hispanics, to change their bylaws to allow "all comers."

Michael McConnell, a former circuit judge and constitutional scholar now at Stanford, who presented the oral case for CLS to the Supreme Court, emphasized the absurdity of forcing groups to accept members hostile to their core principles or message. Under a true "all comers" policy Democrats would have to accept Republicans, Jews Holocaust deniers, and African Americans racists. Remarkably, to defend its supposed all-comers policy, the school's acting dean, at one point in the litigation process, conceded that a black student organization must admit white supremacists. When CLS challenged the constitutionality and plausibility of an "accept-all-comers" policy, however, the school clarified its position yet again. This time it granted that, while a student organization could not deny membership to those who wished to change the group's "message," it could prohibit students seeking its "demise" by hostile takeover (good luck figuring out those boundaries). Alito described this third iteration as an "accept-some-dissident-comers" policy.

Why would Hastings twist itself into knots, and repeatedly dodge common sense, to exclude a single voluntary student group with seven—yes, *seven*—members? Apparently, traditional biblical teaching on sexual morality is the one unacceptable viewpoint, which makes risible the school's claim that its policy is intended to ensure and foster a wide "diversity of viewpoints" and "the highest standards of . . . freedom of expression."

This case split the Court along predictable lines, with the four conservative justices—Alito, Roberts, Scalia, and Thomas—finding in favor of the Christian Legal Society. It is a sad commentary that so few liberal jurists today

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

understand the need to defend the religious liberty that is central to our national heritage. This is doubly disturbing because conservatives have not always been the greatest defenders of expansive religious liberty—which takes us back to what Scalia wrought two decades ago. A number of us predicted that Scalia's fateful reasoning in *Employment Division* v. *Smith* (1990) would come to haunt the Court. It has, and it does so now with momentous implications.

To understand the links between the *Christian Legal Society* case and the *Smith* decision requires a brief excursion into the modern Court's treatment of the First Amendment's guarantee of free exercise of religion. Ever since the 1940s, when the Supreme Court began applying the amendment's religion clauses—"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"—to state and local actions, fierce debate and contestation have marked its tortured and sometimes perverse applications of the establishment clause. But what has received too little recognition is that the Court developed a relatively coherent, expansive, and popular doctrine to apply the free exercise clause.

Haltingly at first, then with increasing clarity, the Supreme Court extended generous protection for believers, religious minorities, and unpopular sects. It did so by implicitly anchoring religious liberty in the universal human need—and right—to fulfill mandates of conscience, especially transcendent obligations to God. As Cardinal Newman put it, conscience "has rights because it has duties."

William Galston, one of the best liberal defenders of religious freedom today, illustrates this incipient understanding in his analysis of the flag salute cases of the 1940s that inaugurated modern free exercise jurisprudence. Jehovah's Witnesses sought to have their children exempted from a school board-mandated Pledge of Allegiance, on the ground that it amounted to a form of idolatry forbidden by their faith. The Supreme Court originally came down 8-1 against the Witnesses in *Minersville* v. *Gobitis* (1940), producing immediate harm to the community with numerous children harassed, suspended, or removed to expensive private schools. But scholars at the time saw the wider threat to religious freedom of Justice Felix Frankfurter's infamous dismissal of religious conscience claims in that case, especially with the growing reach of the regulatory state. When the Supreme Court dramatically reversed itself three years later in *West Virginia* v. *Barnette* (1943), it signaled that the abridgement of conscience need not be, as Galston put it, "unfortunate collateral damage" of law, that the state could pursue its purposes in ways that minimize the burden on religious practice. This is the principle that Justice Scalia, Frankfurter's heir, seemed to deny.

The Court articulated its expansive free exercise doctrine in *Sherbert* v. *Verner* (1963), ruling in favor of a Seventh Day Adventist who had been fired and denied workers compensation for refusing to work on Saturday, her Sabbath. Here the Court explicitly employed the standard—"strict scrutiny"—that it had developed to adjudicate cases involving governmental threats to fundamental rights, like freedom of speech or assembly. To apply strict scrutiny, the Court fashioned its so-called "compelling state interest" test to judge whether laws or regulations needlessly burden religious practice. Specifically, the Court required that all levels of government show that substantial burdens on religious freedom were "the least restrictive means of achieving some compelling state interest." Under this test, the government could not simply show a "plausible" or "rational" objective when its laws burdened religious liberty. The government's goal must be fundamentally important, even necessary, and in meeting that goal it must burden religious practice as little as possible.

The Court applied this standard in another landmark case, *Wisconsin* v. *Yoder* (1972), ruling that the Wisconsin law mandating that Amish attend school beyond the eighth grade would undermine the way of life of this religious minority. The Court did not strike down an otherwise valid law; it simply required that an exemption be granted to a religious community uniquely threatened by its application. In making its decision, the Court reiterated that it will not permit encroachments on religious liberty, even by neutral laws of general applicability, unless required by compelling governmental interests "of the highest order."

Compelling state interest was the Court's free exercise standard for nearly three decades, providing grounds for litigants to gain legal exemptions or, more often, reasonable accommodations in the application of bureaucratic mandates. Generally, the state prevailed when public health and safety were at stake. Thus, children have been required to receive inoculations even when parents sought exemption on religious grounds. On the other hand, religious claimants often gained relief when accommodating their beliefs did not seem to contravene any compelling governmental interest or when remedies were readily available. A public school, for example, could reasonably accommodate a student who felt traditional gym clothes violated her church's teaching against immodest dress.

The apparently settled nature of free exercise law was shattered when the Supreme Court departed from prior decisions in *Employment Division of Oregon* v. *Smith* (1990). The *Smith* case involved two Native Americans

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

who sought unemployment benefits from the state of Oregon after being fired from jobs at a drug rehabilitation clinic for using peyote, a hallucinogen, as part of a traditional Indian religious ritual (Oregon provided no statutory exemption from drug laws for sacramental use). The Court could have decided narrowly in favor of Oregon on the grounds that a compelling state interest required the state to uphold its criminal drug statutes. Instead, Justice Scalia shocked legal scholars and religious leaders across the political and theological spectrum by striking at strict scrutiny itself.

In his majority opinion, Scalia argued that religious practices are not exempt from neutral and generally applicable laws unless legislators write those exemptions into law. At one level this rationale conformed to Scalia's characteristic deference to legislative will. Religious accommodations are a legislative, not judicial, prerogative. But a deeper reading of his decision indicates something more troubling: the denial that even the most profound religious conscience claims need to be accommodated by authorities. Indeed, Scalia approvingly quotes Frankfurter's statist reasoning in *Gobitis* that conscience claims must never be allowed to trump state policy—failing to note, famously, that *Gobitis* had been overturned. Scalia feared that applying strict scrutiny to all public policy "would be courting anarchy" because many laws in fact "will not meet the compelling interest test." Thus, forcing judges to weigh the importance of laws against religious beliefs is a "luxury" we "cannot afford."

To Justice Scalia, eschewing compelling-interest scrutiny would disadvantage only those 'religious practices not widely engaged in.' But without realizing it, he sent a chilling message.

To Scalia, eschewing compelling-interest scrutiny would disadvantage *only* those "religious practices not widely engaged in." But without realizing it, he sent a chilling message to governmental actors at all levels: You need not accommodate believers whose ultimate obligations to God collide with your bureaucratic edicts. As Douglas Laycock has demonstrated, the *Smith* ruling profoundly undercut the practical negotiating leverage of religious citizens confronting government bureaucrats.

The sweeping judgment in *Smith* troubled Justice Sandra Day O'Connor, who joined in the majority decision but argued later, in her dissent in *City of Boerne* v. *Flores* (1997), that the ruling was "wrongly decided" and cited numerous Court interpretations of the free exercise clause that were "gravely at odds" with *Smith*. She noted that, contrary to the "parade of horribles" Scalia conjured to justify abandoning strict scrutiny, "the courts have been quite capable of striking sensible balances between religious liberty and competing state interests." Thus she recommended retaining strict scrutiny because laws of general applicability can infringe on religious practice just as severely as those that overtly target faith.

The ruling galvanized virtually the entire American religious landscape, in part because every faith can envision itself as a vulnerable minority in some situation. But more than this, every congregation, every religious group, every social ministry, every parochial school, every religious institution can imagine instances where the regulatory application of supposedly neutral laws would burden its freedom, conscience, and autonomy, especially if regulations were administered by officials indifferent or hostile to minority faiths or religion in general.

Scalia argued that, outside of "hybrid" circumstances, the Court had never granted exemptions from otherwise valid secular laws. The religious community thought otherwise, and Scalia's attack on judicially accessible accommodations sparked a remarkable alliance, one that successfully pressed Congress to restore the compelling state interest test.

The congressional campaign was a sight to behold. The American Civil Liberties Union lobbied alongside the Traditional Values Coalition, the National Council of Churches with the National Association of Evangelicals, liberal Jews with fundamentalist homeschoolers, Sikhs with Southern Baptists, Mormons with tribal religionists, Muslims with Catholics, all united in their attempt to recover the guarantee of religious freedom. All disputed Scalia's reasoning, and they presented meticulous documentation of numerous cases in which reasonable accommodation of religious people had been denied by public entities or summarily thrown out by courts following the *Smith* precedent.

The legislative result was a model of democratic process: A threat to fundamental rights produces a popular groundswell, eloquently articulated by a mighty coalition, which forges a consensus behind a congressional remedy, a carefully crafted law to which the courts will presumably defer. The Religious Freedom Restoration Act (RFRA) states that "government shall not substantially burden a person's exercise of religion even if the burden results from a rule of general applicability," unless that rule employs the "least restrictive means of furthering" a "compelling governmental interest." The law was passed almost unanimously by Congress and signed into law by

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

President Clinton on November 16, 1993, in the presence of some 200 religious leaders.

An enthusiastic supporter of the legislation, the president called the bill "the most historic piece of legislation dealing with religion in our lifetime" because it was designed to "protect perhaps the most precious of all American liberties—religious freedom." Praising the coalition for its central role in drafting and doggedly working for the passage of the bill, Clinton also said:

> Usually the signing of legislation by a president is a ministerial act, often a quiet ending to a turbulent legislative process. Today, this event assumes a more majestic quality because of our ability together to affirm the historic role that people of faith have played in the history of this country and the constitutional protections those who profess and express their faith have always demanded and cherished.

Vice President Gore added, "We want Americans free to practice religion not as government sees fit, but as they see fit."

Congress acted out of its authority under Section 5 of the Constitution's Fourteenth Amendment, which gives Congress the power to "enforce" the rest of the amendment's provisions. These include the constitutional guarantee that no state may deprive any person of "life, liberty, or property without due process of law," which the Supreme Court has interpreted as "incorporating" state-level actions under the umbrella of the Constitution's religion clauses.

But just four years after the enactment of RFRA, the Supreme Court struck down its core in *Boerne* v. *Flores* (1997). That case involved a Catholic Church in Boerne, Texas, that outgrew its building and sought a permit to expand. The Boerne City Council, citing historic preservation, denied the application. The archbishop challenged the city government in federal court, claiming religious freedom trumped local preservation ordinances under RFRA. The Court responded by holding RFRA's application to state and local governments unconstitutional, claiming that Congress had not merely "enforced" provisions of the Fourteenth Amendment but instead had attempted to "define" what the amendment means, which the Court said was its prerogative.

In the face of broad public support for expansive guarantees of religious freedom, the Supreme Court, in effect, insisted on a more pinched interpretation. Except to repel direct legislative attacks on religion, the First Amendment's guarantee of free exercise became a nullity.

In the wake of *Boerne*, activists and legal experts sought an alternative congressional remedy, the Religious Liberty Protection Act, which relied this time on congressional spending leverage to restore compelling-interest jurisprudence. But after passing the House in 1999, the bill faltered in the Senate when liberal civil liberties and gay rights groups expressed fear that it would undercut anti-discrimination policies on sexual orientation. This failure at the federal level led 25 states to reestablish heightened scrutiny—in effect rejecting the *Smith* rationale—either through legislation or state supreme court rulings. But this eloquent evocation of public will still leaves us with a patchwork of protections vulnerable to continued erosion without decisive Supreme Court action.

Since the *Smith* decision, a number of eminent legal scholars sympathetic to religion, such as Gerald Bradley and Philip Hamburger, have argued that the case was in fact rightly decided. Implicitly they accept Scalia's contention that few exemptions were actually granted before *Smith*, that all the *Sturm und Drang* is needlessly alarmist. But the rapid sequence from *Smith* to RFRA to *Boerne* produced that rare phenomenon in the social world, a natural experiment, allowing us to compare what jurisprudence is like without the compelling interest standard (after *Smith*, 1990-93), and with it reinstated (after RFRA, 1994-97).

The results of the experiment are compelling. The scholars John Wybraniec and Roger Finke systematically analyzed more than 1,300 court cases at all levels involving free exercise claims from 1981 to 1996. They found that, before *Smith* undercut strict scrutiny, religious litigants won favorable decisions in 40 percent of the cases. After *Smith*, that dropped to 28 percent, but then it rebounded to more than 45 percent after RFRA was enacted. In brief, following the *Smith* decision, governmental interest overwhelmingly trumped free exercise claims; after RFRA, religious litigants gained more relief (hardly the "anarchy" Scalia predicted).

Court cases alone, moreover, do not account for the profound shift in negotiating strength at the day-to-day level, where the free exercise claimant encounters a nonaccommodating bureaucrat. Under the shield of compelling interest, many disputes never reached the courts because the threat of litigation forced authorities to accommodate religious claimants. Shorn of this protection, religious claimants no longer have the leverage to shield the imperatives of their faith, or the autonomy of their institutions, from intrusive government regulations. Consider:

- In 2007 the Texas city of Leon Valley, striving to maximize revenues, revised its zoning codes to exclude churches from most of the city and barred the Sunday worship services of a small congregation that had recently bought an existing church building.
- Beginning in 2006, officials in Morristown, New York,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

began zealously prosecuting Amish families for failure to comply with building codes that Amish say violate their religious tenets. So far 11 Amish men have been prosecuted after building their houses in traditional fashion and a twelfth has been charged.

• Christian Scientists fought for nearly two decades to obtain a permit from the District of Columbia to tear down a monstrously ugly concrete building, but were denied because historic preservationists declared the edifice an excellent example of "Brutalist" architecture.

• In 2006 Catholic Charities of Boston, which specialized in finding homes for hard-to-place children, closed its adoption program because it insisted on operating in conformity with Catholic teaching about marriage. In order to receive a state license, Catholic Charities would have had to place children with same-sex couples. Its efforts to secure a conscience exemption from the legislature failed.

• In 2008, a New Mexico photographer who told a gay couple that she photographed only traditional marriages lost a lawsuit before the State Human Rights Commission, which fined her nearly $7,000.

• In 2009, the U.S. Equal Employment Opportunity Commission ruled that Belmont Abbey College in North Carolina violated discrimination laws by not providing contraceptives in its health plan. The president of the university said he will be forced to close the school if the ruling is sustained.

• In 2008, the California supreme court denied the right of individual physicians, guided by religious convictions, to provide in vitro fertilization only to married patients.

• In 2008, Montana district judge Dorothy McCarter ruled that assisted suicide was a fundamental right, thus requiring health care providers to provide euthanasia when a patient requests it.

• A 2007 New Jersey law requiring pharmacists to dispense abortifacients included no conscience exemption, so if individual druggists attempt to adhere to their religious convictions by referring customers to other vendors, they can be fired.

• In 2009 a family court in Laconia, New Hampshire, ordered a Christian mother to stop home schooling her daughter, who was excelling in a curriculum approved by the school district, because she "appeared to reflect her mother's rigidity on questions of faith."

And so it goes.

Scalia's remedy—explicit legislative exemptions—is mostly illusory. Not even the most prescient lawmaker can foresee the limitless ways regulatory bodies, educational institutions, public commissions, and judges will interpret and apply statutes.

Those who agree with the *Smith* decision make the case that key Founders, such as James Madison, did not see the Free Exercise clause of the First Amendment as requiring religious exemptions from otherwise valid secular laws. And there is decent evidence for this claim. Vincent Phillip Munoz documents that, much as they differed on religion, Madison, Washington, and Jefferson did not envision such exemptions from general laws.

What none of the Framers could have imagined, however, is the rise of our vast regulatory regime. As extensively documented by political scientists, legislatures at all levels in the modern era have ceded enormous discretion to regulatory bodies, whose ambit reaches into every nook and cranny of societal life. Thus, it is often not the general law that is bothersome to religious persons and institutions, as Frankfurter and Scalia contend, but the interpretation of the law by a host of regulatory agencies, boards, equal opportunity commissions, and educational institutions. This powerful, unelected arena of government is disproportionately run by bureaucratic elites ignorant of the burden placed on believers or skeptical of the value of religious civil society.

What none of the Framers could have imagined is the rise of our vast regulatory regime. Legislatures at all levels have ceded discretion to regulatory bodies, whose ambit reaches into every nook and cranny of society.

Nowhere is this more evident than in the looming train wreck between gay marriage and religious freedom, made imminent by the recent court challenge to California's marriage law. To be clear, the principal threat comes from the radical redefinition of marriage—as opposed to various civil union provisions—because marriage between husband and wife is uniquely embedded in religion, law, and custom as the foundation for societal regeneration and human flourishing. Yet to many in the intelligentsia, the only possible explanation for opposition to marriage rights for homosexuals is bigotry. If that revolutionary view is enshrined in law, ancient cross-cultural understandings of marriage as part of the divine order—not to mention centuries of English legal tradition upholding the state's vital interest in supporting stable procreative marriages—will suddenly become illegitimate and subject to legal sanction.

In a landmark volume on the subject sponsored by the Becket Fund for Religious Liberty, Marc Stern, formerly of the liberal American Jewish Congress, meticulously catalogues how law will undercut religious freedom if same-sex

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

marriage is widely adopted or, more likely, imposed by the courts without any provision for religious exemptions. In a remarkably dispassionate tone, Stern analyzes the welter of federal and state statutes, judicial rulings, and regulations on civil rights, harassment, public accommodations, commercial licenses, professional codes, government contracts, service vendors, reproductive technologies, student speech codes, and housing access. Though sympathetic to gay rights and supportive of laws enabling couples to organize their shared lives, Stern reaches a sobering conclusion: Once same-sex marriage is codified in law, this whole governmental apparatus will come down on dissenters—especially orthodox Jews and Christians and their institutions—and there will be little that can be done to ameliorate the effect. The freedom to affirm and to live in accordance with the biblical view of marriage—the view held by the Founders and by most Americans through the centuries—will have been profoundly diminished.

Against this formidable threat, the constitutional doctrine of strict scrutiny provides the most effective shield for believers unwilling to compromise duties they see as transcendent and for religious institutions determined to defend their autonomy. Given the manifest peril, it's worth investigating new legislative remedies, however daunting the prospects.

But legal theorists and jurists also must take a fresh look. In the current environment of growing elite hostility toward religion, the test of compelling interest, which provides robust justification for accommodation of religious practices and institutions, is truer to the spirit of James Madison than putative neutrality. In his famous *Memorial and Remonstrance*, Madison anchored religious freedom in the "duty towards the creator" that "is precedent, both in order of time and in degree of obligation, to the claims of civil society." Because of this prior duty, "no man's right is abridged by the institution of Civil Society." Because religious liberty is, in this profound sense, the first freedom, a key measure of a free society is the extent to which people are not forced to choose between sacred duties and citizenship obligations.

In his day, Madison thought that the prior "duty towards the creator" would be protected if religion were "wholly exempt" from the "cognizance" of civil society and its law; thus he saw no need for religious exemptions or accommodations. In the contemporary environment, however—where zoning boards prevent church construction, where the Amish can't build their houses in accordance with their faith, where abortion rights trump religious conscience, where support for traditional marriage is equated with bigotry—avoiding "cognizance" of religion in the supposedly neutral application of secular laws will eviscerate religious liberty. In the regulatory age, the compelling interest justification properly recognizes religious liberty as a fundamental right, forged in the crucible of the nation's social compact.

Now for an intriguing coda to our tale. The Supreme Court majority in *Christian Legal Society* v. *Martinez* left open the possibility that CLS, on remand to lower courts, could challenge the school's fairness in applying its "all comers" policy. Thus, the case could come back before the High Court, this time on the basis of facts that would allow the justices to take a second look. If there is a glimmer of hope that the Court will reconsider the broader problem of how laws and bureaucratic edicts can burden religious free exercise, it comes from an ironic source: the newly seated justice, Elena Kagan.

As associate counsel in the Clinton White House, Kagan responded to a call from Steve McFarland, then lead counsel for the Christian Legal Society, about a 1996 case in which the California Supreme Court had contravened the intent of the Religious Freedom Restoration Act by rejecting a reasonable religious exemption. The case was brought by a landlady who refused to rent to unmarried couples because that would make her, according to her faith, complicit in their sin. She sought relief from a Housing Commission regulation that prohibited discrimination on the basis of marital status. The California court hå∑eld that, because she could make money another way (in other words, get out of the rental business), her religious exercise was "not burdened."

Kagan wrote that this reasoning was "quite outrageous." Furthermore, she wrote, given "the danger this decision poses to RFRA's guarantee of religious freedom in the State of California, I think there is an argument to be made for urging the Court to review and reverse the decision." When the Supreme Court subsequently struck down RFRA's application to the states in *Boerne*, Kagan described herself as the "biggest fan" in the White House of another legislative remedy to restore strict scrutiny (which unfortunately failed).

What makes Kagan's apparent sympathy for religious claims intriguing is that the justice she has replaced, John Paul Stevens, was a strong ally of Scalia in striking down grounds for religious accommodation and was generally no friend of religious freedom. Melissa Rogers of the Brookings Institution recently expressed some confidence that, as a critic of the *Smith* decision, Kagan will nudge the Court toward more vigorous protections of the first freedom. And perhaps even Scalia, now seeing how the *Smith* rationale threatens principles he holds dear such as the autonomy of religious institutions, will reassess his earlier position. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

BE THE ENVY OF YOUR PEERS!

Sure, you already have your very own *Weekly Standard* President Obama Stress Head—but so do all your friends. Well, act NOW and be the first to complete your set: Get the new Vice President Biden and Speaker Pelosi Stress Heads, too!

With just a few good squeezes, all that anxiety about skyrocketing debt and heavyhanded government will melt away faster than stimulus funds in a union bank account! Imagine the satisfaction to be had from swapping out the president, the veep, and Madam Speaker herself—giving *them* the squeeze for a change!

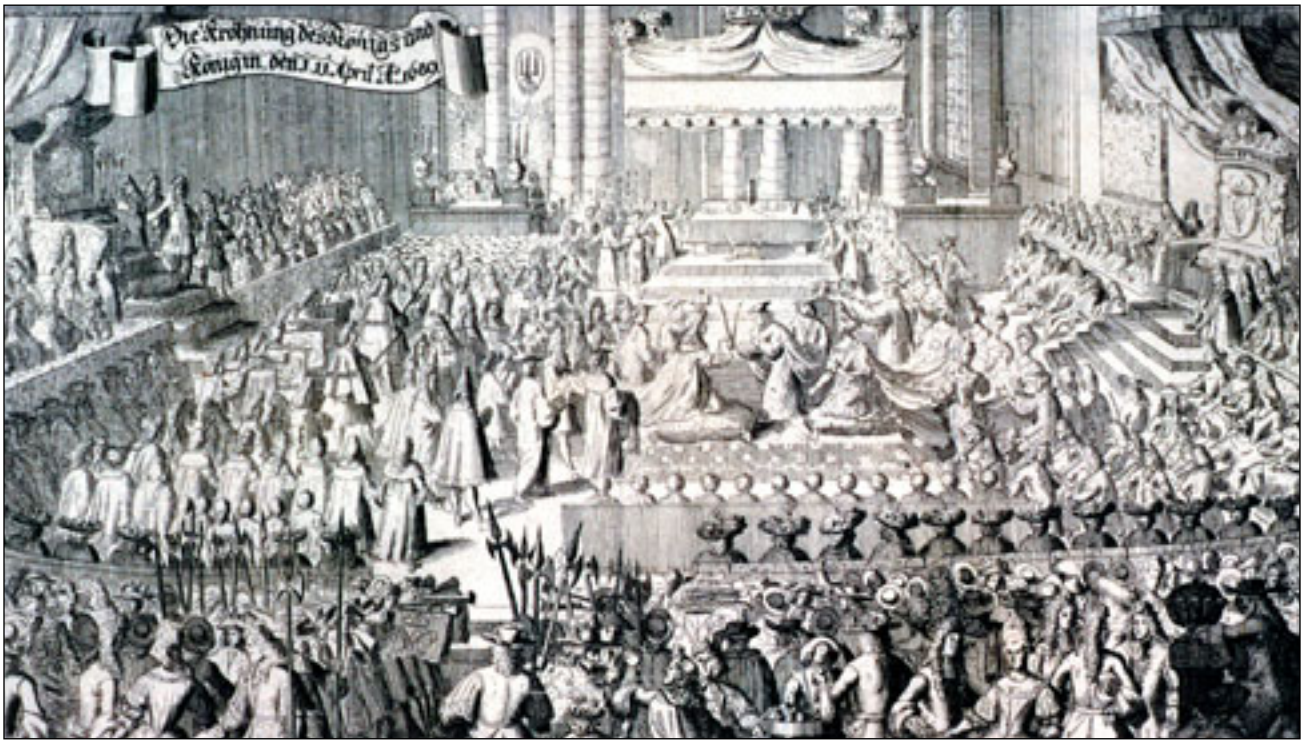
Get yours today before they're gone!

Just **$9.99** each, plus shipping & handling.

To order, call **866-869-6389** or order online (and check out the rest of our cool stuff for sale) at ***weeklystandardstore.com!***

Bucket of warm spit, personal U.S. military jet not included.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



The coronation of William III and Mary II, Westminster Abbey, 1689

HIP / ART RESOURCE

Onward and Upward

'The Whig Interpretation of History'

BY EDWARD SHORT

Two inaugural lectures from Regius professors of modern history, one at Cambridge and the other at Oxford, measure the ground that Michael Bentley covers in this brilliant book.

In 1903 J.B. Bury, the editor of Gibbon, told his Cambridge audience that

> If, year by year, history is to become a more and more powerful force for stripping the bandages of error from the eyes of men, for shaping public opinion and advancing the cause of intellectual and political liberty, she will best prepare her disciples for the performance of that task . . . by remembering always that, though she may supply material for literary art or philosophical speculation, she is herself simply a science, no less and no more.

Edward Short is the author of a forthcoming book about John Henry Newman and his contemporaries.

Modernizing England's Past
English Historiography in the Age of Modernism, 1870-1970
by Michael Bentley
Cambridge, 253 pp., $35.99

Here, Bury not only looked back to the Whig histories of the 19th century, with their preoccupation with the progress of liberty, but forward to the positivism of Lewis Namier and the extravagant faith in archives of Geoffrey Elton.

Three-quarters of a century later, in 1981, the military historian Michael Howard told his Oxford audience that

> There is no such thing as "history." History is what historians write, and historians are part of the process they are writing about. We may seek for what Jakob Burckhardt described as the "Archimedean point outside events" which would enable us to make truly dispassionate judgments and evaluations, but we know we cannot find it, and . . . we mistrust those of our colleagues in the social sciences who believe they can.

Here the faith in archives has collapsed and no one can respectably claim that he can re-create the past *wie es eigentlich gewesen*. A new diffidence has entered history—or perhaps one should say, a new humility, a new discipline—born of the recognition that finality in historical interpretation cannot be had. To quote Bentley, the days of imagining that "the historian of the future would be a computer programmer or . . . nothing" are dead and gone.

Bentley, a professor of modern history at the University of St. Andrews, fully grasps Howard's point that "historians are part of the process they are writing about." Again and again, he shows how

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that process influenced his historians, forming not only their ideological affiliations but also their understanding of their own place within the tradition of their profession. And nowhere was that more evident than in their engagement with the legacy of their Whig forebears.

What was that legacy? The Whig history of the 19th and 20th centuries, from Henry Hallam to George Trevelyan, tended to depict English history as a triumphant tale of English freedom, progress, fair play, and continuity. Its great boasts were representative government and religious toleration—though Roman Catholics and Dissenters might question the latter claim. For the Whig historian, everything had happened for a reason, and all the reasons put together spelled the irresistibility of Protestant Whiggery.

If one had any doubts about that, all one had to do was compare progressive Protestant England with backward Catholic Europe. In his famous *The Whig Interpretation of History* (1931), Herbert Butterfield showed how the Whig tendency to see the past as "the ratification if not the glorification of the present" was something to which all historians are prone. A Methodist from the West Riding, Butterfield also took exception to Whig historians' indulging in what he nicely called "the luxury and pleasing sensuousness of moral indignation," which now animates the political correctness that stultifies so much contemporary history.

In considering the impact that Whig history had on his historians, Bentley looks at fundamental themes of constitution and nation, church and state, and war and empire. The constitutional historian William Stubbs lay down the Whig terms of the first, declaring that after the Restoration, "out of the weakness and foulness and darkness of the time, the nation, church, peers and people, emerge with a strong hold on better things; prepared to set out again on a career which has never, since the Revolution of 1688, been materially impeded." F.W. Maitland, and later Elton, would reject Stubbs's reading of parliamentary development, but not his contention that, for the English, "the continuity of life, and the continuity of national purpose, never fails." The durability of the Whig point of view is one of Bentley's major themes.

The Whig reading of church and state first appeared in the pages of Hallam, whose *Constitutional History of England* (1827) made no bones about the matter: Roman Catholicism had been shown the door in England because it was corrupt, foreign, and treacherous. Apropos Thomas Cromwell's dissolution of the monasteries, Hallam would provide a ready rationale for the extirpation of the old faith.

William and Mary from the 'Guild Book of the Barber Surgeons of York,' circa 1689

HIP / ART RESOURCE

> Cromwell, in his desire to promote the Reformation, advised the king to make this partition of abbey lands among the nobles and gentry, either by grant, or by sale on easy terms, that being thus bound by the sure ties of private interest, they might always oppose any return towards the dominion of Rome. . . . But if the participation of so many persons in the spoils of ecclesiastical property gave stability to the new religion, by pledging them to its support, it was also of no slight advantage to our civil constitution, strengthening, and as it were infusing new blood into the territorial aristocracy, who were to withstand the enormous prerogatives of the Crown.

In other words, depriving the English of their Catholic faith had been justifiable because it gave an opportunistic oligarchy the power to check despotic monarchy.

About the impact of the First World War on English historiography, and on English society as a whole, Bentley is rather sweeping. Speaking of the trenches in Flanders, he says, "Brutality and cynicism, squalidness and despair: these products of that environment did nothing to sustain the values of liberal gentlemen; and they received such an amplification over the next two decades from those who wrote about the war that to claim a permanent element of cultural collapse in English values does not seem hyperbolic"—a diagnosis which echoes Ford Madox Ford in *It Was the Nightingale* (1933). "A social system had crumbled," Ford wrote. "Nay, it had been revealed . . . that beneath Ordered Life itself was stretched the merest film with, beneath it, the abysses of Chaos. One had come from the frail shelters of the Line to a world that was more frail than any canvas hut."

Yet Bentley does not take into account—understandably, since they fall outside his period—the many brilliant books on the war written by British historians in the later 20th century, especially Denis Winter's *Death's Men: Soldiers of the Great War* (1978) and Trevor Wilson's *The Myriad Faces of War: Britain and the Great War, 1914-1918* (1986), which suggest not "cultural collapse" but hard-won cultural renewal. Nevertheless, it is interesting that it was the Whig historian Macaulay who said "that the essence of war is violence, and that moderation in war is imbecility."

On the theme of empire, Bentley shows how J.R. Seeley's *The Expansion of England* (1883) revealed the extent to which the British Empire was more than the exploitative swindle that so many Marxists would later claim. For the Victorians themselves, as Bentley persuasively argues,

> It radiated mission; it embraced a destiny. The mission and destiny

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

> might imply a form of racial superiority. They might assert a Darwinian inevitability. They asserted no less often however (and to a degree rarely observed through the lenses of a later age), a view of Christian involvement in the world. . . . The white man's burden transcended the taking of responsibility and insisted on the importance of witness with its symbols and sacraments.

Now that the procrustean frames into which Marxists tried to fit empire have had their day, it will be interesting to see what less biased historians do with a theme that cries out for more balanced treatment. The idea that empire had anything to do with Christian witness would have been laughable to Lewis Namier, who cuts a lively figure in this study. For Namier, place and power and their guarantors, money and possessions, not anything as intangible as Christian faith, drove empire, as they drove domestic politics. Discussing Clive of Plassey in a review of his student Lucy Sutherland's *The East India Company in the Eighteenth-Century* (1952), Namier wrote:

> Clive returned home in 1760, determined to cut a great figure in the country. The *jagir,* the fee of a purely nominal office under the Mogul, became his dominant concern. "My future power, my future grandeur," he wrote to a friend, "all depend on the receipt of the jaghire money"; and again: "Believe me there is no other interest in this kingdom but what arises from great possessions"—had he stayed in India and acquired a yet greater fortune, he might have been "an English Earl with a Blue Ribbon."

For Namier, this would have been proof positive that his materialist reading of history was not only right but incontestably right. The Christian missionaries in India, whom the Anglican clergyman Sydney Smith took seriously enough to attack in the pages of the *Edinburgh Review* as "insane and ungovernable," were never given even so much as a nod in Namier's astringent calculus.

Namier was a fascinating figure. Born Ludwik Bernstein in Poland in 1888 to Jewish parents who converted to Roman Catholicism, he spent a year at the London School of Economics before taking a first in modern history at Balliol College, Oxford. Then he took a post with one of his father's business partners in America, where he began researching the 18th-century House of Commons that would become his major historical focus. When he returned to England, he worked in the Foreign Office from 1915 to 1920 in its political intelligence department, taking a particular interest in the resolution of Polish affairs at the Treaty of Versailles. During 1920-21 he worked as a tutor at Balliol, which only intensified his infatuation with the English ruling class: "All I've done," he later admitted, "I owe to Balliol."

To gain some financial independence, he left Balliol and became the European representative of a firm of Manchester cotton manufacturers; he also became a caustic journalist in the *Manchester Guardian*. From 1924 to 1930 he completed the two groundbreaking works that made his reputation, *The Structure of Politics at the Accession of George III* (1929) and *England in the Age of the American Revolution* (1930).

Bentley nicely captures their unsettling impact:

> The tale, such as it was, was emphatically not one told by idiots, but the whole signified something close to nothing. It did so still more obnoxiously if one began with the view that history had to be conceived as a humanizing subject that laid the foundations among young people for an appreciation of citizenship and its obligations. Butterfield stood among those who wanted to see the study of eighteenth-century history function as a form of "political education." To accomplish that objective it had to show statesmen to be better than crooks and wastrels, and to provide a story whose denouements would reveal improvement even when leadership had proved lacking.

Throughout the 1930s Namier was a strong supporter of the anti-appeasement positions of Winston Churchill, and he became adviser to Chaim Weizmann, though he later repudiated Zionism as ineffectual. From 1931 until 1953 he held the chair of modern history at the University of Manchester, and in 1946 published what is probably his best book, *1848: The Revolution of the Intellectuals*. The last nine years of his life, despite his growing deafness, he dedicated to an official history of Parliament, which exemplified his meticulous, static approach to the past.

According to his research assistant John Brooke, Namier was convinced that "the reasons men give for their actions are rationalizations designed to cloak their deeper purposes," which led him "to distrust ideas as the explanation of historical movements and to stress the determinism underlying history." Accordingly, for Namier, Edmund Burke's political philosophy was so much "cant." Yet Burke's understanding of history, which consisted, as he said, "of the miseries brought upon the world by pride, ambition, avarice, revenge, lust, sedition, hypocrisy, ungoverned zeal, and all the train of disorderly appetites," had more in common with Namier's than is perhaps often realized. In all events, A.J.P. Taylor, who taught with Namier at Manchester, was not being entirely facetious when he said that his friend had taken the mind out of history. Still, if Namier was adamant about excluding philosophical thought from his pages, he never stooped to using history to advance the interests of Soviet Marxism, as the fellow-traveling Eric Hobsbawm, Christopher Hill, and E.P. Thompson did.

Nor was his distrust of ideas as unreasonable as it may sound. As J.L. Talmon pointed out, "Far from denying the potency of political and social ideologies, [Namier] was frightened by their power to disturb, and he was inclined to regard them as the neurotic symptoms of a society, as traumatic visitations." Those who have lived to see multiculturalism and political correctness addle whole swaths of American and European public opinion can readily see how ideas might become "neurotic symptoms."

Bentley sees an era of increasing professionalism that became too insular, too specialist, bearing out Tolstoy's quip that "historians are like deaf people who go on answering questions that no one has asked them." The history that has succeeded Bentley's period may be less rigorous, but it is more attentive to the real interests of general readers. Bentley deplores the behavior

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of "academic publishers [who] now lead historians with a cheque-book towards the banality of the television script or door-stop biography."

But this is hardly fair to first-rate historians who have written brilliant biographies: Andrew Roberts's masterly life of Lord Salisbury is only one of many examples that could be cited. In any case, most readers will agree with Bentley that "one stands in necessary awe" of what historians in his period accomplished. "The skill and assiduity that they brought to their monographs meant that their writing will never be superseded . . . because new reckonings must engage with their work."

Indeed, good books about historiography are rare. J.W. Burrow's *A Liberal Descent: Victorian Historians and the English Past* (1981), Gertrude Himmelfarb's *The New History and the Old* (1987), and John Clive's *Not By Fact Alone* (1989) were all superb additions to this slender literature. One can now add *Modernizing England's Past*, which is at once very shrewd and very witty. It should appeal to a wide audience: not only students of history, but students of theory as well. On theory, broadly defined, Bentley quotes Arnold Toynbee, who claimed that "pattern history" was a "dangerous game." Why? "The pattern becomes clear in one's own head," the great historian explained, "without any guarantee that it isn't nonsense." ♦

B&A

Mondo Balto

Who and what's to blame for John Waters.

BY SUSIE POWELL CURRIE

If, as a 10-year-old, you fantasize about your real parents being the Wicked Witch of the West and Captain Hook, you are probably not headed for a career in social work or nursing. If the year were 1956, and you lived in a tony Baltimore suburb, you might be John Waters. "For [Patty] McCormack, *The Bad Seed* was a role; for me, it was a lifestyle," he writes.

Role Models
by John Waters
Farrar, Straus & Giroux, 320 pp., $25

Back when I kept up with Charm City culture as an editor at *Baltimore* magazine, I dutifully rented the notorious director's *Pink Flamingos*. And *Hairspray*. I even saw *Serial Mom* in the theater. None, I must confess, left me wanting more—although, having been raised in the South, I kind of identified with Kathleen Turner's white-shoes-after-Labor-Day-setting-off-homicidal-rage thing. (However, in my day, that transgression would have meant social suicide, not an actual corpse.) Waters and I went our separate ways when I got a job, then a husband and children, in Washington. But then, this past spring, I ran across a compelling interview he conducted with a serial child-killer who, I had recently learned, grew up just down the street from our current home. More recently, on the other side of the notepad, he was given a chance to name the greatest influences on his life and work—and his first choice was St. Catherine of Siena, who happens to be our firstborn's patron saint. So I was game for giving this present volume a try, if only to see what strange company St. Catherine was keeping in there.

Strange, indeed, it turns out. Although the serial child-killer didn't make it into the book, the serial-killer cohort is well-represented. (Maybe because Waters himself confesses to killing somebody in 1970? "Completely accidentally," he writes of the vehicular homicide—which, indeed, was the court's ruling.) Whatever the reason, both real and celluloid murderers get plenty of ink. But he can be surprisingly poignant, in a way you wouldn't suspect after seeing, say, *Mondo Trasho*. Devoting an entire chapter to repentant Manson girl Leslie Van Houten, whom he befriended over decades of prison visits, Waters writes (convincingly) of her rehabilitation from drug-addled teenage cult follower to nonviolent, remorseful, respectable woman.

Much of the grisly detail surrounding other criminal acts seems extraneous. Do we really need to meet "the real Bad Seed, the child-killer Mary Bell"? Bell was an English tween who was convicted in 1968 of strangling two preschoolers. After serving 12 years, she was released from prison and went on to have a daughter, whom she shielded from her past until a 1998 book about the killings caused the British media to decamp to her doorstep. And just when you're ready to throw the book over your shoulder with a pinch of salt, he throws in a line like this:

> One can only imagine that frantic mother-daughter chat while journalists and news teams were banging on their front door. How exciting! My mother never told me *any* secrets about her past, much less involved me in any hysterical media event.

These one-liners abound, and they're bright spots in the book. So, too, are his interviews with role models that lead to hilarious imagined scenarios: "I . . . thought, gee, both Johnny Mathis and I have Christmas programs; what would happen if we switched tours and did each other's acts?" When he imagines actually becoming the role model, it gets funnier. Picture the preteen Waters swaggering around as Little Richard: "Strangers would jump back and shriek, 'Good Lord, it's the Bronze Liberace—Show Business Personified!' while others genuflected to the inventor of rock and roll, and for once, just once, there'd be a real reason to live." (He had to confine himself to stealing Little Richard's mustache when he was old enough to grow one—or draw one on, as we learn here.)

His family didn't share this admira-

Susie Powell Currie is a writer and editor in Washington.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion. Sneaking the (recently shoplifted) single "Lucille" into his grandmother's home before a family dinner, 11-year-old John cues it up while the adults are otherwise occupied.

> "Lu-CILLE! You won't do your sister's will!" came blaring through the house like a pack of rabid dogs. It was as if a Martian had landed. My grandmother stopped in her tracks, face ashen, beyond comprehension. The antiques rattled. My parents looked stunned. In one magical moment, every fear of my white family had been laid bare: an uninvited, screaming, flamboyant black man was in the living room. Even Dr. Spock hadn't warned them about this.

The Waters family would have several such moments. His fashion choices routinely pain his father, particularly the ones from his favorite line, Comme des Garçons. CDG is headed by designer Rei Kawakubo, who could be considered certifiable from Waters's exuberant descriptions of her work: a brown sports coat she "hastily spray-painted black right before putting it out on the rack," a white shirt that has "a random mismatched piece of green material sewn awkwardly on the front for no apparent reason." Confronted with a pink-spattered blue shirt during one of his son's Saturday visits, Waters père bellows, "You bought that?!"—and really, who can blame him?

A graduate of a venerable Catholic boys' school, Waters rarely misses a chance to slam the faithful. One notable exception comes in his chapter on hometown heroes, when he laments the death of lesbian stripper Lady Zorro. Interviewing her daughter, Eileen Murche, gives him an insight into a childhood that, he comes to realize to his horror, was like living in one of his movies. Murche, a straight-A student in Catholic school, recalls that "one of the founding things that saved my life is the Catholic Church," Eileen admits, "and for once I don't make a religious wisecrack. Here is what the Catholic Church should be doing instead of condemning movies and denying science"—which, as is widely known, is its *raison d'être*. He even lets it pass when she tells him that, yes, she's still a Catholic today.

As for Saint Catherine, she's admired for reasons that show Waters is a little unclear on the concept of sanctity. In a chapter where he outlines his plan for becoming a cult leader, rather than just a cult filmmaker, he mistakes her abstemiousness for masochism. At least, I think he does; often *Role Models*, like Waters's work generally, feels like one long inside joke. But who's getting punked when he pays four figures for a "Value Village look-alike garment," a wrinkled brown polyester sports jacket, designed to defy ironing, that draws sympathetic comments from strangers? Or when he displays photographs in his living room that the Swiss artists themselves explain surfaced from "just scraping the bottom of the barrel of our archive"?

Indeed, wherever you go, you're never far from being reminded that the author has earned his titles as "The Pope of Trash" and "The Duke of Dirt." And he wears them as proudly as his pink leather pointy-toed CDG tennis shoes. ♦

B&A

In Enemy Hands

One man lives to tell a tale of the Taliban.

BY ROSANNE KLASS

In January 2002, Daniel Pearl of the *Wall Street Journal* became the first American journalist to be entrapped and abducted in Pakistan by radical Muslim terrorists. After nine days, he was hideously murdered—decapitated. In February 2008, Jere Van Dyk, reporting for CBS and freelancing for a book, became the second American journalist to be entrapped and abducted in Pakistan—in his case, by Taliban in the lawless border areas.

Captive
My Time as a Prisoner of the Taliban
by Jere Van Dyk
Times Books, 288 pp., $25

Like Pearl, he was lured by the prospect of an interview with a radical Islamist warlord. But unlike Pearl, he had been reporting on Afghanistan for much of the previous three decades and thought he had the skills and connections to pull it off. After 45 days of psychological torment somewhere in the remote mountains on the Pakistan-Afghanistan border, constantly waiting for the knife to fall on his neck, Van Dyk was unexpectedly released. This is his account of that ordeal.

Rosanne Klass's account of Afghanistan, Land of the High Flags: Afghanistan When the Going Was Good *(1964), has been reprinted by Odyssey.*

By the time he walked into disaster, Jere Van Dyk was already an Old Afghan Hand. One day in 1981 he came to the Afghanistan Information Center at Freedom House (that is to say, me) and asked for assistance. A young freelance journalist, he proposed to go inside Afghanistan and report on the then-obscure struggle against an invading Soviet Army. I provided him with advice, information, and introductions to Afghan resistance leaders in Peshawar. A skeptical *New York Times* gave him a little funding. And off he went to become the first American journalist to go inside war-torn Afghanistan with resistance forces, meet some of their key leaders, and get into the midst of the fighting.

He came home a few months later to write a remarkable series of articles which, front-paged in the *Times* and nominated for a Pulitzer Prize, did much to awaken the American press and public to the Afghan struggle. And like so many of us ever since Kipling, he was permanently hooked on Afghanistan and its people, particularly the Pashtun tribesmen who have shaped its national character, and he never entirely left them.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

For awhile in 1984 he agreed to serve as director of Friends of Afghanistan, a supposedly private new NGO. (Unknown to Van Dyk it was actually created by the State Department to gain control of humanitarian aid funds that Congress had intended to avoid such control.) His stint there enabled him to renew his contacts with resistance leaders he already knew, and to meet others, including the treacherous, anti-American Gulbuddin Hekmatyar, promoted to Americans and the world by Pakistani military intelligence as the foremost resistance leader.

Over the next two decades, Van Dyk roamed exotic corners of the world for *National Geographic*, but he was repeatedly drawn back to Afghanistan. He met fighting commanders and political leaders. He wrote a book about his experiences. He studied Afghan culture and even began learning Pashto. He lectured, gave interviews, held a fellowship at the Carnegie Council, and taught a course on the politics of Islam. But once the Soviets withdrew their armed forces, most of the world lost interest in Afghanistan. The Communist regime in Kabul collapsed a year after the Soviet Union itself, and years of civil war and increasing chaos followed as two equally anti-American factions linked to the radical Muslim Brotherhood—Pakistan's Pashtun protégé Hekmatyar and the Tajik Burhanuddin Rabbani—fought to seize power.

When the detested Hekmatyar failed to take Kabul, another Pakistani surrogate suddenly emerged from nowhere: the Taliban, ostensibly a spontaneous movement of Pashtun religious students. Aided by Pakistan's military, the Taliban took over a desperately exhausted country in 1996, imposed order by way of a crude, brutal Islamist regime, and, almost unnoticed, gave shelter to an obscure Saudi fanatic named Osama bin Laden, who had been kicked out of Somalia.

Then came 9/11, and the world started paying attention to Afghanistan again. Soon Van Dyk was a consultant for CBS News, traveling frequently to Kabul and Peshawar. But he wanted to go further, to enter the raw tangle of mountains along the Afghanistan-Pakistan border that hide the headquarters of the Taliban, al Qaeda, and a network of other movements and provide sanctuary for their leaders, a remote wilderness where there is no law but the Pashtun code, Pashtunwali. He wrote,

> Always I was drawn to the border region. I wanted to penetrate deep into the tribal areas, to return to where I had lived with the mujahideen as a young man, to find the leaders I had known from that time, to learn the true story of what was taking place there.

No Western reporter had gone into Pakistan's forbidding tribal areas since the rise of the Taliban. "It would be dangerous, but I felt I could do it. I had contacts that no other journalist had. I knew this region. I knew its culture." He thought he could revive his earlier contacts with Hekmatyar, Jalaluddin Haqqani, and other Salafist Islamic radicals who were now playing important roles in the Taliban and related movements, and that his known sympathy for the Afghans would give him some protection. He also wanted to test himself physically one last time: In his college days he had been an Olympic-class runner; he had kept himself in shape ever since. Although now in his early sixties, he felt he could manage one more mountain trek.

In August 2007 he returned to Afghanistan with a contract for a book on the borderlands. Gradually reducing his email contacts with CBS and home, he donned Afghan clothes, let his hair and beard grow, and began traveling, illegally, on both sides of the border, meeting tribal leaders, villagers, mullahs, and Taliban. The risks seemed to be paying off: By early 2008 he had made connections that would enable him to cross into remote, dangerous Waziristan and meet with an important commander named Abdullah. It had been set up through several nervous go-betweens with a good deal of difficulty, plus a sizable cash payoff.

On February 12, armed with cell phones and notebooks, Van Dyk set out with his interpreter, Daoud, a schoolteacher who had already assisted him in meetings with Taliban on both sides of the border. In Jalalabad they were joined by Van Dyk's experienced driver, Ahmed. Three days later, Abdullah's man Razi Gul arrived. On February 16 they set out, first by car, then by climbing all day over the mountains, led by another guide, Abdul Samad, who took them across the unmarked border into Pakistan. Van Dyk was pleased to find that he was still up to the march.

But suddenly, as dusk was falling and the weary hikers thought they were nearing their destination, they were ambushed: Black-turbaned Taliban armed with rifles, rockets, and grenade launchers came swarming over the rocks and seized them. Van Dyk was bound, blindfolded, marched to a car, and driven for more hours, expecting all the while to be killed. Eventually he was pushed into a small, dark, airless, filthy room in a remote mud-brick hut—and there he was to remain, suspended between terror, despair, and hope for 45 days.

His companions Daoud, Razi Gul, and Abdul Samad were chained to their rope-strung cots; Van Dyk was spared chains, and unlike his cellmates was not beaten—perhaps in respect to his gray beard, or perhaps because, had he escaped, as a clearly identifiable foreigner he would have been unable to get very far.

He was not beaten or physically tortured, as his cellmates were, but he was subjected to unending psychological pressures—above all, contradiction, unspecified threat, and uncertainty, a kaleidoscope of torment shifting throughout each day, each hour, even from moment to moment. A word, a glimpse of sunlight, a slice of apple, or a glance could raise his hopes of survival, even invite his trust, until another look, word, or gesture shook him with fear or plunged him into despair.

His life depended on others, but he could trust no one. He had either been set up or betrayed, but by whom? Some supposed friend in Kabul? Or even one of his cellmates? Was Abdullah, the Taliban leader he had gone to meet, trying to rescue him? Or was it he who had set the trap? Trying to cope with the uncertainties pushed Van Dyk into irrational speculation. What were his captors' motives? Did they intend to kill him as a spy, or to make an example of him like

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Daniel Pearl? Were they only interested in his ransom value? (They demanded millions, and, irrationally, he tried to think how to raise it.) Did any of his friends know what had happened? Was anyone trying to rescue him?

Or were his Taliban captors more concerned with converting him to Islam? They tried, and may have thought they were succeeding. On the advice of an Afghan friend concerned for his safety, he had learned the Kalima, the profession of faith, and a few other basic Muslim prayers, and his studies had made him conversant with the basic postures. In hopes that it might gain him some protection, he began reciting the fragments of prayer that he knew, making the proper gestures. Soon he was being drilled in Koranic verses and plied with religious texts as his captors anticipated his conversion.

Throughout his ordeal Van Dyk was sustained, in large part, by two factors: physically, by his lifelong dedication to running and fitness; and psychologically, by the spiritual training of his youth. He had been raised as a member of the Plymouth Brethren, an austere evangelical Christian community. As an adult he had ceased to be devout, but now the faith of his childhood came back to support and comfort him. While he was reciting Muslim prayers to placate his captors, he was silently repeating to himself his own remembered prayers and Bible verses, praying not to Allah but to the God of his fathers. One can only wonder how his captors would have responded if they had known.

Then suddenly, on March 30, it all ended. He was told—truthfully or not—that ransom had been paid. He was blindfolded again, shoved into a car, driven for hours, marched back over the mountains far into the night, then trucked to the Kabul River and rowed across into Afghanistan where his captors could not go. Before dawn he was handed a cell phone and heard the voice of a CBS colleague telling him that he was safe at last. He didn't really believe it. Hours later he found himself at an American military base, unable to comprehend his freedom, let alone his safety. Disoriented, he feared the doctor who examined him, suspected the young woman who offered him food, declined to shave the beard that had helped protect him, or even to take a shower.

A day or two later, when his flight home to the United States stopped in Dubai, he feared that Taliban hidden there would seize him again. And his fears were not totally groundless: Arriving at last at his apartment in New York, he found threatening messages on his answering machine, warning him not to speak ill of the Taliban.

Van Dyk has adapted this account from a daily journal he managed to keep during his imprisonment, and recounts only the plain facts of his experience. He seldom attempts to examine or analyze his responses, their possible long-term effects, or his recovery from the experience. He offers no judgments; he simply reports. Nor does he speculate about his captors. (He still seems not entirely sure about their motives and intentions, and is not free to tell how his complicated rescue was accomplished.)

This format limits the insights he offers. But *Captive* is valuable as an intimate account of a fearful ordeal, and of how one man managed to endure it. As such, it may be useful to others. In the long struggle the West faces against the various agencies of fanatical Salafist Islam, Jere Van Dyk was not the first victim, and he will not be the last. ♦

B&A

Time Marches On

The golden age of Thomas Wolfe and the Gant clan.

BY EDWIN M. YODER JR.

Of *Time and the River*, Thomas Wolfe's second novel, and I came into the world within months of one another 75 years ago. But infants know nothing of stories and it would be years before I began to gulp down Wolfe's fiction and couple my destiny, in imagination, with that of his gangling hero, Eugene Gant. I followed Gant to Pulpit Hill (as Wolfe calls Chapel Hill) and became his remote successor as editor of the student paper and European wanderer. For aspiring literary adolescents, Wolfe was a dangerous intoxicant, as I recalled some years ago in an anniversary piece on *Look Homeward, Angel*, the first of his Gant novels:

> [I was] mesmerized by the Joycean and Homeric mannerisms of his ripe rhetoric. I shall not forget—it was one of those traumatic events that loom large at 17—the astonished indignation with which a college English instructor scored the Wolfean apostrophe to the Mojave Desert which I handed in as a freshman theme: Embarrassing! Really! No, no! D-plus. It was a chastening experience.

I hadn't, until recently, reread *Of Time and the River* since my youthful binges and rather shied away for fear of finding the book cloying. It cannot be boyish prejudice at this late date to say that I found it an indisputably great novel—and, notwithstanding its episodic structure, one of the greatest in our language. Of course, some critics never learn that writers needn't jump through the hoops they devise. Tolstoy, one of Wolfe's models and heroes, refused to call the sprawling *War and Peace* a novel since it did not conform to conventional fictional patterns.

The same may be said of *Of Time and the River*. Its weaknesses (not least its 902-page length) are obvious. Its strengths include a nearly unrivaled power of characterization drawn from life, a capacity for such set pieces as the powerful description of Eugene's stonecutter father's illness and death,

Edwin M. Yoder Jr. is the author of the forthcoming novel, Vacancy: The Tale of a Strange Judicial Appointment.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and a memorable evocation of the sights, sounds, and scents that assail a young man on a vision quest, a "hungry Gulliver" as one critic called Wolfe.

There is no "plot," strictly speaking, save for the epic experiences of Wolfe's self-conscious hero. That hero, having finished his undergraduate study in Old Catawba (North Carolina) proceeds to graduate study at Harvard, where he aspires to read his way through the Widener Library and become a playwright. Still struggling to sell a script, Gant takes a bread and butter job teaching the children of recent immigrants at NYU (as did Wolfe himself). He confronts and befriends a contentious Jewish student, Abe Jones, meets Jones's family, and observes the travails of the Lower East Side. He pays a dazzled visit to the very different and very rich Pierces at their Hudson Valley seat, then sets off on a European pilgrimage with colorful stops in Oxford and Paris, and he begins to write a novel.

In France, he renews his Harvard friendship with the foppish Francis Starwick (whose identifying tag is the word "ace" for yes), now in the company of two women. Gant falls in love with the younger, the beautiful, taciturn Ann ("Oh, you b— . . . you sweet, dumb whore, if you only knew how much I love you . . . God-damn you"). But alas, she is smitten by Starwick, who isn't sexually attracted to women.

Disaster and disillusion! Starwick's role as Eugene's Mephistophelean tempter to the sybaritic life destroys his friendship with Gant; and Eugene, at his most provincial, dismisses his old friend as a "fairy." Intermittently, Gant explodes into poetic rhapsodies, often about train travel, whose appropriateness to the novel has been a problem for some readers.

Bismarck is supposed to have said that it is a mistake to look too closely into the making of laws and sausages. Wolfe would have been well advised to apply that wise maxim to the making of his book. He did not; in fact, he did the very opposite, so that the March 1935 debut of this monster novel precipitated a drastic break in his life, one of the famous sagas in American publishing.

With *Of Time and the River*, a raging critical success in the spring and summer of 1935, Wolfe accepted an invitation to speak at a writers' conference in Boulder. There, in a guileless account of the novel's stormy making, he admitted the enthralled audience to his personal workshop. His agent, Elizabeth Nowell, arranged the talk's publication as *The Story of a Novel* in the *Saturday Review of Literature* and later, by Scribner's, as a short book. The fat was in the fire.

The Story of a Novel still makes fascinating reading. But it exposes private creative processes and emotions about which most novelists are cagey or silent to the glare of day. Faulkner, for instance, was so secretive that he claimed to wish to be "as a private individual abolished and voided from history, leaving it markless." Hemingway, asked about the rain that is a morbid and obvious symbolic presence in *A Farewell to Arms*, legendarily said, "It rains a lot that time of year in Italy."

Thomas Wolfe and his mother, 1937

PACK MEMORIAL PUBLIC LIBRARY, ASHEVILLE, NORTH CAROLINA

By contrast, Wolfe's confessional was elaborate and soon led to the most drastic mistake a major American writer has made—his break with the great Scribner's editor Maxwell Perkins, who had helped Wolfe shape the two Gant novels into publishable form. Wolfe had, in fact, told no less than the truth: He, who could write 10,000 words at a single bound between sunset and sunrise, needed Perkins's guidance. With astonishing naïveté, he wrote, "My friend, the editor, has likened his own function . . . to that of a man who is trying to hang on to the fin of a plunging whale" and, "In the middle of December [1933] . . . the editor of whom I have spoken and . . . who had kept a quiet watch upon me, called me to his home and calmly informed me that my book was finished." The announcement, he says, "filled me with stunned surprise."

Others were stunned as well. And as might have been predicted in the cruel bull-ring of literary politics, Wolfe's clinical depiction of the gestation and (Cesarean) birth of his novel brought on a chorus of derision and sneers. Its gist was that he lacked self-discipline and art, and that *Of Time and the River* was actually a paste-up job by Perkins. Bernard De Voto led the pack in a memorably scornful piece called "Genius is not Enough" in the *Saturday Review*. De Voto was, in his time, an important editor and critic whose own fiction is long forgotten; but his denunciation of Wolfe's "blank verse, bombast, and delirium" was telling. Wolfe, offended and aggrieved, persuaded himself that he had to break with Perkins and prove that he was his own man. He proceeded to do so, and Eugene Gant disappeared from American fiction, yielding to the more artificial central figure of George Webber.

No one, including Wolfe, knew that he would be dead of a freakish infection in two years, or that his two succeeding novels would be—literally—pieced together by Edward Aswell of *Harper's* from great stacks of raw manuscript—a great irony, given the taunts regarding editorial dependency that had driven Wolfe to change publishers.

Bernard De Voto and other detractors had their rounds, but they could not permanently damage a powerful novel which, for all its flaws, speaks for itself and is a work of genius. Seventy-five years later it lives and breathes, which is more than can be said of 99 percent of the fiction of last week or last year or last century. ♦

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

B&A

MoMA's Matisse

Yet another journey to the garden.

BY JAMES GARDNER

Painting 'Bathers by a River,' 1913

ALVIN LANGDON COBURN / ARCHIVES, INTERNATIONAL MUSEUM OF PHOTOGRAPHY AT GEORGE EASTMAN HOUSE

New York

A spate of 100-plus temperatures over the summer should have been sufficient proof that we were passing through the dog days. But, ever the skeptic, I refused to believe it until I saw the Matisse show at the Museum of Modern Art. For unless it is my imagination, it certainly seems as though a Matisse show comes to MoMA every summer, for the same reason that a Hopper show opens at the Whitney (though actually the latest installment of that artist will open October 28). In other words, museums want all the tourists they can corral, and when summer comes around, they play to their strengths with tested blockbusters.

All right, perhaps I exaggerate. But it is a legitimate question why MoMA seems to have so many Matisse shows, and whether anything still needs to be said about this monarch of the Paris art scene in the days of its long-vanished supremacy. This latest exhibition, *Matisse: Radical Invention 1913-1917*, was in a sense about little or nothing. There was a chronological and formal coherence to his years in Morocco, which ended with his return to Paris in 1913, and a similar coherence to his period in Nice, whither he traveled in 1917, at the end of the years now under consideration. Both of those periods have benefited from shows at the Modern. But the years in between, the subject of the present exhibition, are an oddly interstitial period of Matisse's career in which he seemed to be experimenting relentlessly—which is a nice way of saying that there was little real coherence to his art at this time. But the curators, John Elderfield of the Museum of Modern Art, and Stephanie D'Alessandro of the Art Institute of Chicago, have made lemonade out of those lemons.

I have always been impressed by the public's fervent embrace of Henri Matisse, whose vast and deep popularity is ultimately the reason behind the present exhibition. And yet, despite that popularity, he remains a challenging painter whose commitment to the cause of Modernism induced him to undertake all sorts of detours into formal and chromatic experimentation. To the public at large, Matisse incarnates the charm, the formal freedom, the unbridled newness of the Modern movement in a way that Picasso, his only rival in the public's esteem, does not. Matisse once made a comment about wanting to paint for the bourgeois in his armchair, an aspiration that has hardly endeared the artist to the avant garde. Accordingly, the image of human existence that transpires through his art, taken together, is one of sunlit views of the French Riviera, of pretty flowers in variegated vases, of naked women, their hands linked, dancing the dance of life in a state of primordial joy.

When the crowds reached the galleries of the present exhibition, however, they found less of that joy than they have come to expect from Matisse. Surely this show was fully in keeping with the Modern's standards, exhibiting as it did an abundance of paintings, drawings, prints, and sculptures of the very choicest quality. Yet the two curators appeared to have a loftier purpose: They exhibited an almost hierophantic seriousness in charting the artist's twists and turns during a period when he undertook to penetrate, in his own words, "the mysteries of modern construction."

The art of Matisse, properly understood, remains as challenging today as it was a century ago. It remains challenging long after we have accepted the fundamental and sequential ruptures of observable reality that were brought about by Cézanne and Picasso, by Kandinsky and Pollock. However radical their artistic mission, these painters were conspicuous masters of the admittedly individualistic styles that they pioneered. In Matisse, by contrast, that mastery is

James Gardner recently translated Vida's Christiad *(I Tatti Renaissance Library).*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

rarely achieved, because it is never sought and because, whenever it is approached, it is rejected and denied.

At least that is the case throughout most of the artist's later career. In certain early works, such as "Roofs of Coullioure," and the portrait of his wife from 1905, Matisse can achieve a perfection of sorts that is a consequence of his mastering the Fauvist style he had only lately unleashed upon the world.

But these works, in themselves, are probably insufficient to account for his great popularity today. I would guess that the compelling, all-conquering charm of the man consists, above anything else, in his use of color. It is only slightly an exaggeration to say that, with the vigorous awakening of Matisse's palette in the early years of the 20th century, Western art reclaimed what it had forgotten or never known: that color was everywhere, and not just any color but primary colors whose saturated brilliance became, for the first time, the pure point of painting. Matisse's colors ravished the rods and cones of viewers even before the subject matter could be reconstructed and interpreted in the brain.

But in the four years covered by this latest exhibition, we find a different Matisse from the one we usually encounter in such exhibitions. It is almost as though he were trying to void his work of the spontaneous charms they usually possess. The earliest work on view was not by Matisse but by Cézanne, the "Three Bathers" from 1879-1882. Matisse owned this painting, and it is the key to his career. The figures are crude and misshapen. Throughout Western art, for the previous five centuries, surely, painters had fashioned similarly crude forms, but these were always understood to be preparatory sketches for a finished work which would be duly and reliably polished according to artistic and societal custom. What made Cézanne's painting revolutionary, even if little valued in its day, was that it presented preliminariness as its own fulfillment.

Only a generation later, and for the next half-century, Matisse would make such process and incompleteness the cornerstone of his art. The argument of the MoMA show was that such traces of process in his work—of scrapings, repaintings, smudgings—are representative of the period between 1913 and 1917, and had not a little to do with the massive upheavals and social dislocations of the Great War. But such process-oriented art had been evident for nearly a decade before and would, in fact, mark his paintings and sculptures until his death in 1954.

And yet, it is true enough that Matisse seems to have experimented more vigorously in the 1913-17 period than at any other point in his career. His palette becomes more somber as bright reds and yellows and greens give way to dull beige and black, as in "The Italian Woman" (1916). The voluptuous curves that had formerly defined his style, and would one day do so again, are now abandoned in favor of severe angles and straight lines, as is evident in "White and Pink Head" (1914). Such severity, it has been argued, is a response to the vigors of cubism, whether in its initial analytic phase or in its subsequent synthetic phase. There is something to that, but it is more likely that both movements are a response (as was Futurism) to the machine aesthetic of the first quarter of the new century, an aesthetic that was so clamorously and unavoidably exemplified in the military convulsions that shook Europe precisely during the years covered by the present show.

The more lasting legacy of Matisse's art during this period remains his insistence on process over polished completion. Though this artistic attitude may have been derived from Cézanne's "Three Bathers," Matisse made it entirely his own, and it would become, through him, one of the defining attitudes available to Modern artists and those who came after them. But because our culture still has not entirely accepted or embraced it, it remains scarcely less radical today than it was a century ago. ♦

'Portrait of Yvonne Landsberg,' 1914

2010 SUCCESSION H. MATISSE / ARTISTS RIGHTS SOCIETY (ARS), NEW YORK

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"I am absolutely thinking it."
—Donald Trump when asked on MSNBC's Morning Joe *whether he was interested in running for president, October 5, 2010*

PARODY

the weekly Standard
October 18, 2010

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED